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International Court of Justice

COMM
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Gallagher
29 May
10-1130

OR

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 March 1946.

WEDNESDAY, 29 MAY 1946.

COMMISSIONERS:

Captain Joseph Tubridy.
M. Martin-Havard.

THE S. A.

(The Commission convened at 1000 hours)

MAX JUETTNER, a witness, resumes the stand and testified as follows:

-- -- -- -- --

CAPTAIN TUBRIDY: The witness is reminded he is still under oath.

THE WITNESS: Yes.

BY DR. ASCHENAUER:

Q Did the SA conversations with military attache' in the Standartenstrasse 10a in Berlin have any prospects to succeed?

A It was my definite impression they were successful more, for instance, clearly with the French Military Attache' at whose side I was sitting, who expressed his agreement to me.

Q Did the French Ambassador Francois Poincet participate in those conversations?

A Sofar as the conversations or the conferences which I attended are concerned, he did not.

Q And at other conferences?

A I don't know.

Q Then I would like to direct your attention to document of the prose-

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cution PS-2821,and I quote:"Obergruppenfuehrer Kruger is the permanent liaison between the Reichsministry of Military Affairs,and the SA leadership." What is the meaning of the expression "AA" in those words?

A The expression "AA" activities refer both to the training affairs, and to border protection.

Q Was there any connection between those socalled "AA" activities, and the border protection activities of the SA Storm?

A Yes, both connections between the border protection storm of the SA and the "AA" work. The SA border protection Storm were, to say, continuation of the "AA" activities, and were developed from similar formations of the previous administrations of Reichschancellery Bruning, and Reichsminister Severing. Those border control Storms were incorporated into the SA; if they did not become part of the SA, they received SA leaders as leaders of the border control Storms.

Q What was the name of the chief of the training program who was mentioned in the document PS 2821.

A The chief of the SA training, who was subordinate to the chief of staff of the SA, was a continuation of an earlier office called Reichskuratorium fur Jugend, for youth training, which would be something like a Reichs office for youth training. The task in the socalled "Reichskuratorium" was to take care of unemployed youth who had become demoralized, and the Reichskuratorium aimed at readjustment of those demoralized young men. The Reichskuratorium furthermore organized the physical training of those young people,and tried to train them in the spirit of discipline and honesty. The thought training program of the SA adapted those tasks of the Reichskuratorium,and in addition to that it assumed the training program as it was subsequently manifested in the SA Sportabzeichen, which is the SA athletic badge,and at the same time to train the beforementioned

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border control Storms for their special tasks.

Q Who were the people before 1933 that participated in the training program of the Reichskuratorium fur Jugend?

A Members of all kinds of patriotic societies, as for instance, the Stahlhelm, Werwolf, SA, Reichsbanner, Jungdeutscher Orden, and even any organized youngmen participated in the activity of the Reichskuratorium.

Q I now report from Prosecution document PS 2823, paragraph 7, for the purpose of camouflage SA Oberstleutnant Aule with SA uniform, with a rank insignia was in accordance with directives of the SA leadership. What was the meaning of it?

A The function of Oberstleutnant Aule was to assist the chief of the training program in carrying out his functions. That was an agreement between Roehm and the Army. He was supposed not to wear the Army uniform, because members of the SA were not really to subordinate themselves to members of the Army. The position it took was tending towards the establishment of a milita, and was opposed to a professional army.

Q Would it be decided from the last sentance of the Document PS 2823, that the Chief of Staff of the SA in accordance with which Oberstleutnant (Lt. Colonel) Aule would become the chief of training program. Would that mean there had not been reached an agreement between the leadership of the SA, and the top level of the Ministry of War?

A The chief of staff of the training program of the SA was Brigadefuehrer Mehlmann, and Chief of Staff Roehm would have preferred, however, SA men in that position, and not officers of the Army. Whether there existed any controversy between the SA leadership and the Reichsministry of War, I don't know.

Q Do the documents of the prosecution from which I have quoted show

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the plan of Roehm that he was unable to carry out to form a people's militia modeled after the pattern of the Swiss Militia?

A I can now definitely answer that with a "yes".

Q If it was the tendency to reach an agreement with the Western Powers, why were orders issued that these matters should be kept a secret?

A On the one hand negotiations had not been brought to a successful conclusion, therefore, it was a matter, of course, to keep them a secret. On the other hand Roehm was opposed by certain people, for instance, Goebbels; therefore, he was compelled to take care of these negotiations which were kept a secret.

Q Did Roehm create for himself by his program in regard to the military matters, and in regard to matters pertaining foreign affairs, by which he created ~~other~~ enemies other than Goebbels, or in addition to Goebbels, that is, enemies towards his idea to establish a militia with the approval of the Western powers?

A Yes, there were a number of enemies who exerted some influence with the Fuehrer.

Q Did Roehm plan a putsch, or "coup d'etat"?

A No.

Q Was there a mobilization of forces of the SA, which was necessary for an uprising?

A The SA leadership did not mobilize the men for a putsch.

Q Do you know whether or not the idea of continuing friendship negotiations with the Western powers played a part in the plans of Roehm beginning with the year of 1933, or already earlier?

A I have no personal knowledge of that, but I was told that it is more certain they had discussed such ideas already before 1933.

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Q In this connection I would like to request the admission of the following two documents: A document of Graf Erich Waldbrugzn Zeil, dated May 12,1946; secondly, a quotation from the newspaper Der Gerade Weg, dated June 5, 1932, page 9. I have here a copy, a certified copy of it, certified to by Captain Schrader. Both documents are supposed to prove that there existed an agreement between Sir Henry Deterding, and Roehm, which had been brought about by the English Intelligence Service; that by this understanding there had been created the basis for a friendship back in the past. This agreement is supposed to prove that Roehm definitely followed the aim or policy of the French, and that he fought off the policy even before the seizure of power, and ~~that~~ by that understanding had been laid the basis for the conferences with the Western powers.

CAPTAIN TUBRIDY: Do you have it here?

DR. ASCHENAUER: The affidavit I have up here.

COLONEL GRIFFITH JONES: I believe it would be better to receive the affidavit instead of listening to Dr Aschenauer.

DR. ASCHENAUER: I have only the original.

CAPTAIN TUBRIDY: Is it translated?

DR. ASCHENAUER: No.

CAPTAIN TUBRIDY: May we see the document, please.

DR. ASCHENAUER: I would like to add a question to the last one.

CAPTAIN TUBRIDY: Please, may we see the document.

COLONEL GRIFFITH JONES: I have no doubt the procedure has been adopted throughout this trial similar to the Tribunal, that if there are documents to be put in either by the Prosecution or by the Defense, a translation should be made avaiable at the same time, or beforehand, and I would submit that the same procedure should be followed before this

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commission. I have now these two documents in German which were handed to me. I can not read a word of either of them, and until such time that they are translated I am not in a position to form my opinion.

DR. ASCHENAUER: May I make a suggestion. I tried a few minutes ago to express a request about the last sentence of the original with the understanding between Sir Henry Deterding, and Roehm. The original is deposited in a safe of a bank in Zurich, or Cheu, Switzerland, and that can be established definitely by Count-----

COLONEL GRIFFITH JONES: May I interrupt. I am not for the moment raising any question as to where the original is. All I am asking is that these documents ~~xx~~ not allowed to be put in until they are translated into English.

DR. ASCHENAUER: By these I am referring to a lengthy document, and I agree we postpone submission in this case until I am able to submit a translation.

CAPTAIN TUBRIDY: I understand you are withdrawing submission of these documents, Dr. Aschenauer?

DR. ASCHENAUER: I shall on a later date submit the documents in translation, then the Commission will be in a position to decide whether they are admissible at all.

CAPTAIN TUBRIDY: The immediate point is that these documents which ~~he is submitting~~ are being submitted in German only, ~~is not possible to pass~~ cannot be passed upon unless they have a proper translation. I think the objection is proper, and the documents can not be accepted at this time.

DR. ASCHENAUER: Then I may continue.

BY DR. ASCHENAUER:

Q What was the meaning of the death of Roehm in regard to the SA?

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A By the passing of Roehm the SA lost the significance of all things from all political positions.

Q Is it possible to speak of a "conscious" enemy nation of the SA after the 30 June 1934?

A Yes.

Q From the athletic training program, did the athletic program for the athletic badge of the SA appear to be military type of programs, or were those training programs more in accordance with the athletic program of the Reichskuratorium fur Jugend?

A Yes, the athletic badge of the SA was developed by the training schools of the SA.

Q Is it therefore correct that the athletic contests were nothing but the last step in the athletic training program of the Reichskuratorium fur Jugend?

A To a certain degree, yes. Those athletic contests were contemplated as exhibitions, and demonstrations of achievements in files of athletics, and support for the widest circles of population.

Q Were military discussions, and military situations the basis of the athletic program of the SA?

A No, they were strictly prohibited.

Q Were those athletic contests which were held in connection with the SA athletic badge, were those contests held in full public?

A In every case, yes.

Q Were invitations extended to foreign diplomats to attend such SA contests?

A Yes.

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Q One might believe that for such athletic training program it would have been sufficient to retain the Reichsportabseichen, which was the athletic badge of the Reich?

A No, that would not have been sufficient. The purpose of the Reichsportabzeichen, the athletic badge of the Reich, was aimed only at the time of the top performance. However, the SA athletic badge was set up and organized for the development of physical strength in the large sectors of the population, and by the repeated performances which was required, it was contemplated to maintain the fitness and the training of all those who had the SA athletic badge.

Q Isn't there a conflict created by the fact that the Naval School of Dusternbruch conducted the maritime training? I am making reference to the Prosecution Document No. PS-2354.

A At the SA Naval School, and in the Naval Storms of the SA, of course, the kind of naval activity like rowing, sailing, and so on, was practiced. The student body of those Naval SA schools was recruited from the population bordering on the ocean. Those people living at the border of the ocean obtained through the SA Training School the opportunity to get further professional training, and also to be of service to the public in the case of disasters and emergencies. The very simple training program of those SA schools used the training instructions of the German Navy. The recruits for the Navy could not be trained at those training schools, because on the basis of age of people who were enrolled in those training schools could not have been considered as material for the Navy. In summary, I would like to add that I would like to summarize that those Navy units of the SA had as their goal to encourage the interest of Naval activities of all their participants.

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Q Isn't it true that a large number of rowing associations were compelled to join the ranks of the SA?

A Sofar as I know the rowing associations became a part of the Reichsbund fur Leibesubrung, of the Reichs Association, for athletic training. I do not believe that compulsory transfer of those rowing clubs had been performed.

Q Was there influence played by the introduction of compulsory military training in relationship to the training program performed by the SA?

A No, there was no connection between the introduction of military compulsory service in Germany and the SA service.

Q Did the SA at any rate in every instance conserve the known military character of its training program?

A Most strictly, both under Chief of Staff Lutze, under myself, and my successor Stabschef Schettmann.

Q Would not there have existed difficulty for the military program of the SA by the socalled participation service?

A The participation service of the SA were to a high degree as service in the SA voluntary; for instance, in the year of 1936 we made statistics which showed that there was an average attendance of thirty-seven per cent of the SA.

COLONEL GRIFFITH JONES: Thirty-seven per cent?

THE WITNESS: Thirty-seven. The basis for the lack of attendance in the SA service was in effect due to many of the SA men who had many occupations; the effect of farmers and peasants had to work long hours by sewing and harvesting, and the fact that industrial workers had to do night shifts, made it impossible for them to participate frequently in the

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SA service. There were SA Storms which for reasons of the occupational functions of their members were unable to have any SA service for weeks, or even for months. It was, therefore, entirely impossible to conduct a military training program for those years.

Q Now is it correct as the Prosecution has claimed that 25,000 officers had been trained in these socalled officer training schools?

A The SA was in no position at all, and it was not equipped at all to train officers, as military formations do know them. I could ennumerate many names of SA leaders who had been officers, and who entered the ranks of the SA. I could give you names of many of the SA leaders who when they entered the Army became simply enlisted men.

Q So we can not talk about the 25,000 officers.

A The maximum number of high SA leaders which we had in 1938 was 25,000.

Q Were there any officer training schools in the SA?

A No.

Q Therefore, is it correct that no training of that kind could be carried on by the SA?

A It was impossible to perform such a training program by the SA.

Q What was the meaning of the order concerning extra military training, dated 19 January 1939?

A That order issued by Adolf Hitler finally had the purposes of giving again a tangible purpose to the SA. By that extra military training as contemplated by that order of 1939, the SA members were supposed to get physical training before joining the Army, and to go through a program of physical fitness. Sofar as the Army expressed desires concerning ~~from~~ pre-military training, those desires should be respected and considered.

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However, military training sofar as tactics and service with the armies, and weapons were entirely out of the question. However, that order of 1939 did not become effective amy more. When the war started the high command of the Army suspended such order, and the Reichsleiter Bormann had opposed the order from the very beginning, and saw to it that it would not be carried out.

Q Isn't it true that connection with the order of 1939, of course, was conducted, and that about two-hundred men participated in that training course?

A Yes, this course was the only one to which the SA sent two-hundred of its men, who were trained in agreement with the Army. The purposes of the training of those two-hundred SA leaders is what they could learn by practical experience by the specific desires of the Army with regard to the training program. For instance, that course should determine how long of marching performance ~~that~~ was required in this age of progressive motorization. Furthermore, what kind of hindrance should be taken by persons engaged in such training program. That training course was invalid in the face of that order of 1939, which later was again suspended.

Q Is it, therefore, correct to say that Bormann was the enemy of the SA, which could not be conquered ?

A Yes, I have to answer in the affirmative in a very clear manner. Yes, I must say that Bormann did not miss an opportunity to belittle the significance of the SA, to eliminate its influence totally. As can be proved that with Bormann it was his intention to get rid of the high leadership, or high command of the SA entirely. It was his intention to transfer the SA leaders to the Gauamtsleiter, and by that procedure he intended to make the SA a willing tool in his own hands.

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Q Does not the fact that the SA did not become the basis for the Volkssturm, prove that the SA did not have any power at all?

A That is correct, even with one aim of divided opinion in regard to the Volkssturm.

Q What was the relationship of the SA regiment called the SA Regiment Feldherrnhalle, which was mentioned by the Prosecution?

A May I compare the SA Regiment Feldherrnhalle to the Standarte Feldherrnhalle. The Regiment Feldherrnhalle was a mere formation of the Army; by any other formation of the Army, it was Standarte to the high command of the Army only. The Chief of Staff of the SA, or the SA leadership had no power at all to issue any orders to that Regiment Feldherrnhalle. The members of the Regiment Feldherrnhalle were required to have belonged to the Army reserve before they joined the regiment. It would, therefore, be fair to speak about a SA Regiment Feldherrnhalle. The Regiment Feldherrnhalle, and later on the division Feldherrnhalle, were considered symbols of participation of the SA in the Army. Whenever the reports of the high command gave recognition to the service rendered by the Regiment or Division Feldherrnhalle, that was a recognition also for the service entered by SA men in general. However, the SA Standarte of the Feldherrnhalle, that was actually a unit of the SA, and actually only a garrison of the SA that lived in barracks. It would not be possible at all to compare that Standarte Feldherrnhalle to military units, or to the Waffen SS . Chief of Staff Lutze created the staff of the Feldherrnhalle only for reasons of presentation and reputation. After the passing of Roehm, it was thought that the Standarte Feldherrnhalle should serve in the way of rehabilitating the good name

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of the SA. Originally the Standarte did not have any Army men at work at all. Later on they were equipped with carbines, so that the Standarte could provide ordinary guards,and ordinary troops at special occasions, and state holidays. It was thought that this SA Standartte Feldherrnhalle should like the labor service, like the Waffen SS,and like other ordinary formations should fill a percentage of the functions at special occasions. The leaders in the SA Standarte had the same ranks as leaders in other SA formations, such as Sturmfuehrer, Sturmbannfuehrer,and so on. However, the SA leaders who served in the Regiment Feldherrnhalle had military title and ranks of Lt. Colonel, and so on. The SA men who belonged to the Standarte Feldherrnhalle, they received the athletic training, strategic training, and in addition to that, vocational training; and the members of the SA Standarte Feldherrnhalle gave reserves to the Regiment Feldherrnhalle.

Q What were the consequences of the outbreak of the war in regard to services of and in the SA?

A With the outbreak of the war,the SA, as it was made up, of course, with very patriotic Germans,did everything in its power to strengthen the German Army. Practically it became more and more difficult to carry on the SA service. Very soon it developed that sixty percent of the SA men had become members of the Army. Many SA units had entirely suspended their duties and performances. Wherever there was SA duty performed, it was ground service in the manner of Indians shooting, training and developing climbing, and the taking of obstacles.

Q What was the attitude which the Chief of Staff took towards the war?

A Chief of Staff Lutze and we all were opposed to war, and was against the war, and that in effect caused Bormann to characterize him as a defeatist

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in the conversations in the clubs.

Q In this connection, I would like to ask you if you know that there had been concluded an agreement between the SA and the Army, between Brauchitsch of the Army, and Lutze of the SA in 1939, which contemplated that if there ever should develop a conflict in the Army between the SS in regard to military intentions of Hitler or Himmler, that the SA should join the Army to prevent the outbreak of war?

A At a later date only I learned of such an agreement.

Q I shall submit at a later date the translation of an affidavit by the deputy, Dr. Gordeler, who was president on 20 July 1944. The man who gave that affidavit is Dr. Menge. After the downfall of Roehm, did the SA have any influence in foreign affairs?

A None at all.

Q Was the SA used for any purposes of aggressive form or policy?

A No, sir, never.

Q Did the SA give support to any endeavors to formulate international understanding?

A I have to answer that very strongly in the affirmative, and that Oberlindober will be in a position to give many details on that subject on this occasion. I would like to stress that the SA gave active support to all veteran movements in other foreign countries. Those peaceful endeavors have also found an expression in the publications of German veteran organizations, and I myself made it my business to see to it that such publications would be disseminated, and I participated in the Berlin conference of the various veteran organizations of many lands.

Q The Prosecution considered the participation of the SA in the formation called Sudetandeutsches Freikorps, the disturbance of the peace,

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as one may learn from Prosecution Document No. PS-3036, an affidavit by the SS Gruppenfuehrer Gottlob, and Berger, in which you participated personally, therefore, you are in a position to clarify the facts.

A I did personally participate. I was at the headquarters of Konrad Henlein, where also Berger and a representative of the Army, Oberstleutnant Kochling participated, and as representative of the NSKK Obergruppenfuehrer Sauer. Sauer and myself were not asked to participate in the conversations on the use of that Sudetan Germah Free Corps. The Free Corps was composed of male Sudetan German refugees. It did not have any value as a military fighting unit. They were just an unorganized band, loosely set up, and not tied up as the military formations were. The SA did give support to that free corps, on the one hand by giving to the Free Corps SA men who served in border control service of the SA, and that was done only in less numbers. It was necessary for us to use a special order to accomplish its effect. That was for the SA men nothing but a mere border control protection measure. In addition to that the SA gave shelter and provided transportation to these streams of refugees, old men, women and children who found themselves in terrible conditions.

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They were directed to the collecting camps in the interior of the Reich. Furthermore, the support rendered by the SA resulted in obtaining clothing and other equipment by the free corps.

~~CAPTAIN TUBRIDY: How much more time? How many more questions?~~ How much more time do you need for this witness?

DR. ASCHENAUER: 40 minutes.

CAPTAIN TUBRIDY: Can you make it shorter than that?

DR. ASCHENAUER: I shall try to do so.

CAPTAIN TUBRIDY: Let us take a recess for 10 minutes.

(A recess was taken).

DR. ASHCNENAUER: May I continue?

CAPTAIN TUBRIDY: Yes.

BY DR. ASCHENAUER:

Q Did the SA leadership have any part in the Austrian incident?

A No. Not the slightest. The program Northwest consisting of so many refugees returned to Austria after a few weeks time.

Q Was there an SA unit in the General Government -- Government General?

DR. ASCHENAUER: (Discussion in German with Inter-

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preter).

BY DR. ASCHENAUER:

Q Was there an SA unit Government General?

A A short time, or a time, after the creation of the Government General the SA Unit Government General was drawn up. This unit consisted of racial Germans who were accepted as applicants for the SA, and of members of the SA who had their occupation or profession in the Government General. The purpose of the aims were to transfer these again to the SA after the end of the war.

Q- What effect did the degeneration of the position of the SA have?

A That might perhaps be shown best by the following example: ~~XXXX~~ Chief of Staff Bormann was chief of staff Reichsleiter in the party, and Reichsminster. Chief of Staff Lutze~~XX~~ was only chief of staff and Reichsleiter. He was no longer a Minister of the Reich. Chief of staff Scheppmann was only a chief of staff. He did not have the title Reichsleiter or Reich~~XX~~ Minister.

Q That would mean that the SA was eliminated as far as interior politics were concerned~~XX~~ ?

A Yes.

Q The Prosecution has submitted an affidavit saying that thousands of local meeting places of the SA were used as detention places or arrest places. It says that hordes

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of SA men ran through the streets, robbed and beat people, or killed them by beating them, since 1933.

COLONEL GRIFFITH JONES: Was there a document reference?

DR. ASCHENAUER: Document 1759 P. S. It refers to the time in 1933 at the changing of power, seizure of power, 1933.

MR. MASE: What page?

DR. ASCHENAUER: Page 9 of the German text.

MR. MASE: And the English text?

DR. ASCHENAUER: Page 5 of the English text.

BY DR. ASCHENAUER:

Q What can you say to this?

A As is known, the National Socialist Party came to power in a legal manner by a vote. The National Socialist Party never left the slightest doubt that it endeavored and strove for an authoritative leadership. In this respect the seizure of power can be compared to a revolutionary act. If one compares this seizure of power with other similar historic acts, this took place without bloodshed, and in this respect the statement made in the affidavit is not true, in general. A large number of the police had proved to be unreliable in the years previous, unreliable in a patriotic sense. For that reason several state offices and authorities authorized people to be arrested by the SA.

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In order to carry out this police ~~XXX~~ and executive action, members of the SA and stillcamp (?) and the Bismarck Bund were used. From this time forward these people no longer were subordinated to the organizations but to the state authorities.

Q For how long did this continue?

A I should say that the action ended in Prussia at any rate when the "Feldjaegerkorps" was taken over, the third leader corps, and the building up of the police.

Q What ~~XXX~~ was the purpose of the "Feldjaegerkorps"?

A The "Feldjaegerkorps" consisted of -- mainly of unemployed people and SA members.

MASE believe
MR. MASE: I ~~suppose~~ the witness said it was composed of unemployed SA men, not ~~XX~~ unemployed and SA men.

THE INTERPRETER:
~~XXXXXXXXXXXX~~ I am sorry.

MASE:
MR. MASE: You said unemployed and SA men?

THE INTERPRETER: Unemployed SA men. I am sorry.

BY DR. ASCHENAUER:

SA
Q Unemployed ~~selected~~ men. Was this subordinate?

A The "Feldjaegerkorps" was formed, paid by and was subordinate to the Prussian Reich Minister of the Interior. This organization had become a very good and well-trained police troop. It was the task of the "Feldjaegerkorps" to insure order ~~within the nation~~ and to see to it that the members of the party bore themselves well and with discip-

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line; to control and check motor or transport system; to help in forming parties.

This "Feldjaegerkorps" was not subordinate to the chief of staff of the SA, who had no influence as to the work the corps was put to. The original place for the "Feldjaegerkorps" was Berlin and Prussia and was later formed in other ~~laender (?)~~ places, and always as a state institution.

Q Did the SA men have connection with the security service, the SD?

A Chief of Staff Lutze prohibited in writing any service of an SA man in the SD.

Q Did the SD have anything to say when an SA man was promoted?

A In no case.

Q The Prosecution submitted an affidavit, 3232 P. S. 3232. An affidavit by Walter Schellenberg. Therefore, I may ask the question: What was the relationship of the SA to "Stadt-und Land Wacht" at the concentration camp.

A The "Stadt-und Land Wacht," city guard, and the Laflalen ~~(???)~~ were state institutions. By reason of local regulations that existed, SA men could be drafted in emergency draft into the ~~"Stadt-Laud" (??) and Lenlaf (?)~~ Stadt-und Land Wacht and Laflalen. When requested, small units of the SA were placed at the disposal of the ~~Stadt-Lau" (???)~~ Stadt-und-Landwacht and the ~~Lan-Wa (???)~~ Laflalen.

In such cases, these people were used as auxiliary police and were no longer subordinated to the SA Fuehrer.

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Darrow
29 May

From the time on that the concentration camps were placed under the jurisdiction of the Reichsfuehrer SS, the SA no longer had anything to do with the concentration camps. As far as I know this was in the spring of 1934. Previous to this time there is much talk of the so-called wild concentration camps, ~~xxxx~~ unauthorized concentration camps. This ~~term~~ is a wrong one. There were concentration camps at that time administered and guarded by SA members. They had to be instituted, however, by the police presidents who, partly, or part of them, were SA fuehrer; but in every such case the police presidents acted as police presidents and not as SA fuehrer. But they made use of SA men and, when they were SA fuehrer, as auxiliary police, as guards at these camps.

Q Did the supreme SA leadership know of the conditions now known of in the concentration camps?

A It is probably known that the inmates as well as the guards of concentration camps had been forbidden by Hitler, on punishment of death, to speak about anything that happened within the concentration camps. Neither chief of staffs nor SA men -- and I can say this for every single SA man -- was anything known about the condition of the concentration camps.

Q You spoke of the Volkssturm, Roehm, Lutze. How ~~xxxx~~ could a regulation arise with the contents that the local party official had the right -- that the local party official had the right to ask every organization or affilia-

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ted organization of that district, to cooperate with him?

MR. MASE: If Your Honor please, I could not object to the witness in due time. How can he testify for every SA man that he did not know about the conditions in the concentration camps? That is objected to unless he shows the source of his knowledge.

DR. ASCHENAUER: I have restricted my question to the higher leadership, SA leadership.

~~CAPTAIN TUBRIDY: What was it?~~

~~DR. ASCHENAUER: I had confined my question to the higher SA leadership only.~~

MR. MASE: That is correct. The witness volunteered this additional testimony and I believe it should be ~~expunged~~ expunged unless additional sources of information would be explained to the Commission.

CAPTAIN TUBRIDY: ~~Strike~~ the witness's answer will be stricken from the record, and the witness is ~~directed~~ instructed to respond directly to the question and not to ~~other matters~~ volunteer additional information which he has not been asked.

BY DR. ASCHENAUER:

Q Then I ask my question: Did the supreme SA leadership know of the conditions of these concentration camps now known of?

A No. It was impossible for the SA leadership to know of these conditions.

Q Why [redacted]?

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A Because, as is known, it was forbidden both for the inmates and the guards to speak of the conditions, on punishment of death.

Q Since when have you known this prohibition to speak of conditions in the concentration camps?

A I heard of these prohibitions only after I learned of the conditions in the concentration camps. And I wanted to clarify why we were not able to know of this previously.

Q Give me the time as to when you found this out.

A When the first announcements were made in the press as to the atrocities mentioned by the Prosecution here.

Q After the occupation by the Americans?

A Yes.

Q You spoke of the opposition between Wehrmacht and Lutze. How could a decree to this effect come about that authorized every local official to call upon every SA member of an affiliated organization for cooperation?

A Before 1933 practically every SA man was at the same time a party member. This fact brought about a double subordination for SA members. After 1933 when the SA increased very much numerically, there were, for a very long time, very long extent of time, only about 70 per cent of SA members at the same time party members. That would mean that not all of them any longer had this two-fold subordination. Normally, the political leadership only called upon the SA to this extent: For them to be used in propaganda marches, for protection of meetings, for collections or

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the winter welfare (~~77~~), or other charitable purposes~~XXX~~, use in cases of emergencies and catastrophes, and, during the war, his use as a Volkssturm man. The political leadership never called upon the SA fuehrer to supply men for illegal activities. The illegal activities were never requested, but as to the events of the 9th of ~~Nxxxx~~ November '38, I should like to make a special statement. Normally, only what was legal was asked of the SA. There was no such thing as blind obedience in the SA. This is proved by the first service -- as a service regulation valid for a numbers of years, in which the SA man promises obedience if nothing illegal is asked of him. If the SA leadership had first been consulted about an illegal activity or request, this SA leadership would have made strongest opposition, as proved by the 9th of November 1938.

Q And did the supreme SA leadership ~~XX~~ issue any counter-orders, as the SA leadership could suppose, on orders given by Heydrich, Goebbels, or Walter?

A As soon as Lutze, chief of staff, heard of these orders he immediately forbade his SA members in the Rathaussaal in Munich to take part in any action against the Jews.

M. MONNERAY: I think the translation was not quite correct.

THE INTERPRETER: In any excesses against the Jews.

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M. MONNERAY: That is right. It isn't "action."

THE WITNESS: He, as I found out later, sent one of leaders into the hotel where the leaders' group were, in order to tell them of his orders. He called together those who were still present in the old Rathaussaal in Munich when he heard that the synagogue in Munich had been set on fire. And as I myself experienced it, he forbade in the strongest terms his men to take part in such illegal activities.

BY DR. ASCHENAUER:

Q Then Lutze was against the action?

A Yes. Decidedly, most decidedly.

Q Can you explain the document submitted concerning the "Kurpfalz-Mannheim" group?

COLONEL GRIFFITH JONES: Which document?

DR. ASCHENAUER: 1721. (Indicating).

THE WITNESS: Yes, I read of it in the indictment.

BY DR. ASCHENAUER:

Q Then another question: Did Lutze put in any open opposition to measures concerning which a local party official could call upon a policeman for help or cooperation?

A I did not understand that question.

Q Did Chief of Staff Lutze oppose this decree?

A Bormann repeatedly tried to induce Lutze and the SA against issuing orders against the SA and

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which could not be justified on a racial basis. Lutze decidedly opposed such measures. He mistrusted and opposed generally everything from the very beginning that was issued by Bormann. He once received a letter from Bormann, which I myself saw, and in this letter said -- it was the year 1939 or '38 -- in this letter Bormann said that the XX Fuehrer wished that SA men should be asked to resign church membership. In an answer, Lutze rejected this proposal in the strongest terms, and informed Hitler of this. Adolf Hitler was of the same opinion as Lutze.

Q What was the feeling of responsibility if such a case should arise in which an SA member was subordinated to an "Ortsgruppenfuehrer" (X) in an action of the political leadership?

A I might clarify this by means of an example: If an "Ortsgruppenleiter" asked for an SA "Stuermer" in order to extinguish a forest fire, the responsibility lay within the hands of the XX "Ortsgruppenleiter" for the use that these people were put to. That is to say, if anyone was injured during operation, the "Ortsgruppenleiter" would have been responsible for the care of the injured, or for his survivors. The practical carrying out of the action was in the hands of ~~other~~ SA (?) sturm fuehrer and he was ~~responsible~~ responsible for seeing to it that the order was carried out correctly.

Q Was Julius Streicher's newspaper forbidden

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For example, in the Nordmark.
in everal SA units?/ And if so, for which reasons was the Stuermer prohibited?

MR. MASE: That is a leading question, sir, and a combination of two questions.

[redacted]

CAPTAIN TUBRIDY: Will you read the question.

(Question read).

CAPTAIN TUBRIDY: Will you instruct the counsel for the defense to ask one question at a time, and the witness to answer one question.

DR. ASCHENAUER: I only wanted to save time.

BY DR. ASCHENAUER:

Q Was the Stuermer forbidden in SA groups?

A Yes, it was forbidden in individual groups, and Chief of Staff Lutze expressed at an SA Fuehrer conference that he did not wish [redacted] propaganda to be made for the Stuermer as it had happend.

Q And what was the reason for this?

A Many of the SA men had showed repugnance to the contents of the Stuermer.

Q Did the SA have anything to do with the guarding of prisoners of war?

A At the beginning of the war with Poland the SA group Sudeten carried out transports of prisoners of war into the camps. Other SA groups in the east may have been used for similar purposes. Later on the SA leadership

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and the SA as an organization had nothing to do with this question insofar as SA units that had to be put to such work, and who had been drafted on very short notice by the Wehrmacht and thus were under the jurisdiction of the Wehrmacht.

Q What directives did the SA men have to follow in carrying this out?

A The very same directives that all soldiers had to carry out, that a prisoner of war who is defenseless has to be treated with decency.

Q Was foreign labor ever placed under the jurisdiction of the SA?

A I only remember one case, which does not mean to say that this was not possible other places too. After an air raid on Munich, foreign labor was employed for clearing up and salvaging work, by the supreme SA leadership. SS men or policemen did the guarding -- guarded these people. They were taken care of by our SA administration. The men employed here said in several cases that they should like to remain in this place doing this work. The SA had nothing else to do with the employment or taking care of foreign labor.

Q Was the NSP (?) approved of during the occupation?

A I believe to be able to answer yes, as far as I know, by the occupying powers.

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DR. ASCHENAUER: In order to save time and shorten this I should like to point out that Mr. Juettner has written a memorandum. He swore to this affidavit, to this memorandum. The title is "Leadership and Tasks of the SA." In order to shorten the proceedings I should like to submit this memorandum to the Tribunal, as has been done in the case of ~~other~~ defendants. ~~(?)~~. This memorandum has been enclosed in my document book. May I therefore ask if Mr. Juettner may use his memorandum as part of his testimony?

CAPTAIN TUBRIDY: Did I understand you to say you are offering this memorandum?

DR. ASCHENAUER: We shall submit this memorandum. The memorandum contains the answers to all other questions which I would still have to ask now.

M. MONNERAY: I think the Prosecution would in this case reserve the right, its right, to ask once more the witness for a cross-examination if any question arises out of this memorandum, question which has not been put yet by defense counsel.

CAPTAIN TUBRIDY: Will you show that memorandum to the Prosecution, please.

THE WITNESS: May the witness ask or say something concerning the memorandum?

CAPTAIN TUBRIDY: No. Not yet.

COLONEL GRITTITH JONES: I agree with Mr. Monneray's suggestion, if we let this in now, reserving our right to re-

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~~serving our right to re~~call this witness on recross-examination on any point that arises on that affidavit, ~~xxx~~ once ~~xxxx~~ we have it translated.

DR. ASCHENAUER: Another point, Mr. Juettner --

CAPTAIN TUBRIDY: Just a minute, please.

COLONEL SMIRNOV: Might it not be possible to ask Counsel submitting documents to submit documents before-hand so Prosecution can study them before-hand?

CAPTAIN TUBRIDY: I think we might do that ~~some other time~~. The immediate question now is the ~~xxxxxx~~ submission of this document; ~~and without objection~~ with the understanding on the part of Prosecution, with the understanding that they will be given an opportunity after examining it and after translation of it, to cross-examine this witness.

MR. MASE: Since this memorandum has been submitted in German only, the original, I do not believe the Prosecution can resolve the question of further cross-examination. It must reserve the right to object to the submission of this document in general.

CAPTAIN TUBRIDY: Let it be understood that if on translation it is found to be inadmissible, that it will be ruled out.

X DR. ASCHENAUER: Then I would like to have the witness hand over two corrections and two additions to his affidavit. These two papers belong to the document that I have just submitted.

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Have you the copy?

THE WITNESS: Yes.

MR. MASE: If the court please, there must be 50 or 60 pages of this. When will this be done, the translating?

DR. ASCHENAUER: If it is part of a document book it always has to be translated.

MR. MASE: No. When?

COLONEL MR. GRIFFITH JONES: Another point arises here. Has the Tribunal given permission for this document to be included in the document book?

DR. ASCHENAUER: Not yet, but the document will be submitted as a whole.

COLONEL GRIFFITH JONES: It has been the practice that documents should not be translated until the Tribunal has ruled that they may be, with a view to including in the defense document books.

COLONEL SMIRNOV: It is quite new for me that we can be handed documents that are not those that have already been allowed or ruled on by the Tribunal.

CAPTAIN TUBRIDY: I think perhaps since Prosecution objects it might be better if we ~~inxind~~ excluded the document and had counsel proceed to examine the witness.

DR. BOEHM: Mr. President, I should like to submit this document now. The procedure adopted here and in Court is quite different from one another and there has no order as yet been issued concerning documents in this procedure.

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Originally we counted on the translation in about eight weeks time. These proceedings came up suddenly and unexpectedly and into our work that we were doing. Therefore, I should like you to excuse if one or the other of the documents that have been submitted have not yet been translated, but they are, in any case, documents that will be admitted in any case.

CAPTAIN TUBRIDY: Does Mr. Boehm realize that the Prosecution examining ~~the documents~~ the documents that have been submitted cannot tell whether they ~~xxx~~ object to them or not, because they have not been translated?

DR. BOEHM: Yes, I realize that.

CAPTAIN TUBRIDY: and In such case, they cannot consent to their being admitted.

DR. BOEHM: Yes, I realize that, but if the document is not accepted now it will be submitted ~~xx~~ later on, and if it were not accepted it would mean that I should have to ask the witness about 300 more questions; and I wanted to save the asking of these questions.

CAPTAIN TUBRIDY: Well, we will wait until that time arises.

DR. BOEHM: Well, will the Commission rule now~~X~~ about admission of this document or not?

CAPTAIN TUBRIDY: Yes. The document will not be admitted.

DR. BOEHM: Does the possibility exist for your taking up in court the subject as to whether the witness

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is prepared to testify as to the contents of this memorandum?

MR. MASE: Is it possible to include in the record as to whether the witness desires to make this memorandum a part of his ~~kxk~~ testimony?

DR. BOEHM: I should like the witness to state "I make the contents or I testify as to the contents of my memorandum of such and such a date; including in my testimony given today."

COLONEL SMIRNOV: I should like to tell the defense counsel that he must ~~be close~~ adhere to the rules which we have.

DR. BOEHM: I always adhere to rules but I do want to state that the rules that are for these proceedings could not~~kx~~ be adhered to because of the unusualness of these proceedings.

COLONEL SMIRNOV: It was settled already that documents which will be given here must be given to the Secretary of the Counsel. I do not know any other decision of the Tribunal regarding this question.

DR. ASCHENAUER: I should like to point out that this decision was only made yesterday; that in a discussion with Colonel Neave it was said that the decision of the Tribunal would have to be sought for. But this took place only yesterday and therefore is quite new for the proceedings.

COLONEL GRIFFITH JONES: I have a further sugges-

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tion. I imagine that not all but some of that memorandum, subject matter of that memorandum, has already been covered by what this witness has said.

DR. ASCHENAUER: Yes.

COLONEL GRIFFITH JONES: It therefore would seem doubtful whether the Tribunal at any time would permit the work of translation on that part of the memorandum which has been covered. If Dr. Aschenauer would mark those passages which have not been dealt with up to now, then, in the interest of time, it might be possible -- anyway, I am reserving the rights -- we let it go now, have it translated, the new part; and then if we have any objection on the relevance of the translation, or if we want to examine the witness on any of it, we might do so.

DR. BOEHM: Mr. President, this proposal sounds very good and would be very practical but there is one reason against this proposal. This document, which I have read and which was sent to me by Mr. Juettner, was ~~nix~~ written by him in his camp at the time when I had not yet spoken to him and he had not yet read the indictment. This representation by Juettner is a complete representation of the department and is a unit which cannot very well be torn apart. Therefore, it is my opinion that the proposal by Prosecutor, which is very practical in itself, is not quite proper ~~hear~~ here for that which ~~it~~ wants to achieve.

COLONEL GRIFFITH JONES: I should most strongly

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oppose the suggestion that that document or any document should be translated if the substance of it has already been given in verbal evidence by a witness. It would be cumulative evidence.

COLONEL SMIRNOV: You see, it is not here for me. Why should we receive new documents and why should we agree just for giving the documents here?

DR. BOEHM: He has not submitted any new document as yet. Our documents are only going to be submitted.

COLONEL SMIRNOV: In the decision of the Tribunal there is nothing that permits it, and there must be a way of presenting them.

DR. BOEHM: We might take the viewpoint that in these proceedings, which are in themselves a very new procedure, a new and different procedure would have to be adopted. We do not wish any new procedure but we are forced into this unpleasant --- for us, unpleasant situation -- because this Commission is a procedure that was not counted on; unexpected.

CAPTAIN TUBRIDY: I don't think, Mr. Boehm, that there is much doubt, if the Prosecution objects, that this document cannot be admitted —

DR. BOEHM: I should ask the document to be affirmed insofar as the witness makes it part of his testimony.

CAPTAIN TUBRIDY: Now, please, Mr. Boehm, I wish you would let me finish. The witness has been here for two days and has been examined by counsel for two days, and at the

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end,or getting close to the end, of his testimony, you now want to submit a book. The testimony which has been admitted has been admitted on the basis of its relevance and there is no way of knowing, unless one went through this book to determine, what parts were relevant.

DR. BOEHM: Then my request is to go through the book.

CAPTAIN ~~XXXXXXX~~ TUBRIDY: Mr. Boehm, if you will go to the book and indicate the passages and have them translated and indicate the passages ~~in~~ there which you believe relevant, why, ~~I~~ will be happy to give it consideration.

DR. BOEHM: Yes, I shall see to that, shall take care of that.

THE INTERPRETER: I am sorry, Mr. Commissioner, did you say that Counsel was to have it translated?

CAPTAIN TUBRIDY: It would have to be translated in order to be able to determine what parts were relevant.

THE INTERPRETER: With Counsel to take care of the translation.

CAPTAIN TUBRIDY: I do not believe in ~~a doubtful~~ adopting a practice of this kind of having a witness here two days and at the end of that period producing a book and having the witness adopt it as his testimony and then having it submitted to the Court as a document.

DR. ASCHENAUER: There is a precedent in the Gesevius case where such procedure was adopted and admitted

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in the Gesevius case, because there was more in the document than was testified to.

COLONEL GRIFFITH JONES: That is not so. Quite the contrary.

DR. BOEHM: It really was so, Mr. President. It isn't an opinion. It is a fact.

COLONEL GRIFFITH JONES: I think it is perhaps outside the argument. That is not so because the witness Gesevius gave his evidence in full.

DR. BOEHM: But as to the contents, only about one-hundredth part of it.

CAPTAIN TUBRIDY: Well, I think we will consider the matter closed, and the Commission will rule that we cannot accept the book.

THE INTERPRETER: Would you repeat?

CAPTAIN TUBRIDY: I think we will have to close discussion on the matter with the rule that the book cannot be accepted in evidence.

DR. BOEHM: We shall then take the matter up before the Tribunal.

CAPTAIN TUBRIDY: Very well. I think we can adjourn for lunch at this time. Do you have any more questions to ask of this witness?

DR. ASCHENAUER: No further questions now.

CAPTAIN TUBRIDY: Well, do you have any further questions of this witness?

DR. ASCHENAUER: I would like to get the Tribunal's

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decision on the argument first, of the Tribunal proper.

CAPTAIN TUBRIDY: I assume we can start the cross-examination of this witness this afternoon. Very well. We will recess then until three o'clock.

(A recess was taken until 1500 hours).

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(The hearing reconvened at 1500 hours, 29 May 1946)

MAX JUETTNER - Resumed
DIRECT EXAMINATION * Continued

DR. GOOBER: I am Assistant Counsel to Dr. Loeffler, attorney for political organizations.

CAPTAIN TUBRIDY: What does he want, to question the witness?

INTERPRETER: Yes, he wants to ask one question.

CAPTAIN TUBRIDY: You may go ahead.

BY DR. GOOBER:

Q Do you know whether any members of the SA had been sentenced and punished by party courts for participation in the incidents of November 9th and 10th, 1938?

A Yes, I do know so. I cannot recall any specific incidents but I do know the Great Court of the Nazi Party has dealt with such cases and pronounced very heavy sentences.

Q And who was it who initiated such procedure before the Party Courts, the SA or the Supreme Command or the Political Leaders?

A That I do not know.

Q In accordance with Article 138 of the regulations covering the procedure before party courts any procedure before a party court could be initiated only with the approval of the political leaders of the parties.

A- Any application for such proceedings by the SA leadership would have had no significance besides being a mere suggestion.

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COMMANDER FELTON: Is this testimony or just questions?

CAPTAIN TUBRIDY: Counsel, you may ask questions, but please don't have the questions in argumentative form of ~~an argument~~.

BY DR. GOOBER:

Q- If it is true that the party courts covered such incidents, and if it is further true that such procedure could be initiated only with the approval of the political leaders of the party, what conclusion do you draw in regard to the position the political leaders took in regard to this matter? Do you, therefore, conclude, that due to the fact such procedure was started by political leaders, that those political leaders disapproved of the incidents of November 8th and 9th?

A I had to draw the conclusion that those who initiated the proceedings and who applied for them disapproved of the misdeeds of November 8th and 9th.

COMMANDER FELTON: If the Court please, this conclusion of the witness should be stricken out. There is no testimony before this Commissioner that any of those statements are true, and the witness hasn't even testified they are true, and it seems to me it is an entirely improper procedure.

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CAPTAIN TUBRIDY: Is the witness familiar with all of the facts contained in the question of defense counsel?

WITNESS: No.

CAPTAIN TUBRIDY: Then the reply of the witness is stricken from the record.

CROSS EXAMINATION

BY COLONEL GRIFFITH JONES:

Q I want ~~you~~ to refer you to a passage in the N S D A organization book for the year 1941, which is No. P S 2354. I don't think it has any United States number. I quote:

"Service with the SA is and remains voluntary."

Was that a correct statement of the position?

A Yes sir.

Q "As in recruitment for the SA no advantages may be promised and no pressure whatsoever may be exerted. The SA man should have the opportunity to withdraw from the SA if he believes he can no longer agree with SA views."

Is that a correct statement of the position?

A The Fuehrer leadership always remained on the position that ~~during~~ entering the SA ~~was~~ should be a voluntary action. In my preceding statements I already expressed that in some instances pressure has been exerted by organizations outside of the SA, for instance in the

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case of students and in the case of financing the schools.

Q Did it always remain a fundamental principle of the SA that membership should be voluntary?

A That was always a principle adhered to by the leadership.

Q And if, as said in the organization book, a man no longer agreed with the SA views, was he expected to withdraw?

A Numerous men left the SA for a variety of reasons.

Q The number of persons upon whom pressure was brought to bear by outside parties were insignificant compared to the total membership of the SA, is that right?

A That is not too easy to answer, if, for instance, one considers the transfer of the membership of the Stahlhelm organization into the SA. Then one should keep in mind that that transfer was accomplished in accordance with an order by the SA Oberfuehrer, and then Reich Minister Leader.

Q Let me first deal with the Stahlhelm. The Stahlhelm was composed of last war soldiers, was it not?

A Yes.

Q They were what Hess and other party leaders called old fighters?

A One couldn't say so. In the ranks of the SA they were not considered old fighters.

Q It was those men who had fought in the last war that were the keenest of the Nazi supporters, was it not?

A In the very beginning, and I may say also as a

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former member of the Stahlhelm, the members of the Stahlhelm disliked very much to give up the independence of their organization. However, the Stahlhelm, just like the Nazi party, was of the opinion that there should be one great community of all Germans.

Q Very well. I want to cut these answers down as short as possible. Otherwise, we will never get through.

There was nothing, was there, to stop a member of the Stahlhelm withdrawing from the SA when the two organizations were combined in 1933?

A As far as I was concerned in my district no member of the Stahlhelm who didn't desire to would have been compelled to join the ~~SA~~ SA.

Q And that goes generally for the whole of Germany, does it not?

A It is ~~xxxxx~~ reported that there were instances in which members of the Stahlhelm agreed to the transfer only because it was ordered.

Q But there is no instance where a man was forced to join and continue his membership?

A No sir.

Q Well, now, if we exclude the Stahlhelm, apart from the Stahlhelm, were the number of persons who joined the SA because influence was brought to bear upon them insignificant?

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A The term "insignificant" is difficult to define. It may have had reference to thousands of students or hundreds of civil xxxxxxxxx service.

Q Even if there were thousands of students there was nothing which compelled a student to join the SA if he disapproved of what the SA stood for ?

A I share that opinion.

Q And you mentioned just now that there would have been thousands of students or hundreds of civil service, was it a fact that the civil service upon whom pressure was brought to bear would not number more than a few hundred at the most?

A I mentioned before that the pressure was not exerted by the SA leadership. To what extent the students were free to act in their desires I do not know and what ones were not I do not know either.

Q I had left the students and I was asking you about civil service. It is right to say that if any civil service had any pressure brought to bear upon them, their numbers were certainly not more than a few hundred?

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A I am entirely unable to make statements about this.

Q In actual fact, the vast majority of the members of the SA considered appointment in the SA as a great honor. Is that not so?

A Yes, I believe it is true that a vast majority of the men were proud of the SA and proud to serve in the SA.

Q Now, I want to turn to another matter. Can you give me the strength of the SA at the outbreak of the war in 1939?

A Approximately one and one half million.

Q I understood you to say yesterday that in 1934 it numbered four and one half million.

A Yes, that's correct.

Q How did it come to be reduced to one and one half million in 1939?

A One reason was that the organization called Kyffhaeuser Bund was dismissed from the SA membership. Secondly, the large majority of all members of the SA had to undergo an examination regarding their past and their qualifications, and all those who did not pass the examination were dismissed from the ranks of the SA. Thirdly, all those who were dismissed from the SA who, for reasons of their occupation, were unable to do us a service and accordingly, those who did not cheerfully continue to serve us in the SA were dismissed.

Q Now I will turn to another matter. Did I hear you correctly in thinking that you told us that the SA had no military character?

A Yes.

Q And did I also hear you correctly when I thought you said that they always preserved the non military character of its training program?

A Yes.

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Q I want to refer you to a letter, written by Gruppenfuehrer Seidl for the Chief of Staff of the Supreme Command of the SA, dated 25 July 1933, that is document D-44, US-428. I quote:

"Further to my instructions dated 11 July 1933, I find cause to ask all SA authorities to exercise the greatest caution with regard to any publicity given to the SA service not only in the Press, but also in the information and news sheets of the individual SA units."

Why was it so necessary to keep the details of the SA service secret?

A That was necessary, urgently necessary, in consideration of the efforts of Roehm to creat a defensive militia and there were forces inside of Germany opposed to that intention of Roehm.

Q Do I understand you now to say that the object of the SA was to create a defensive militia?

A The militia, the creation of which Roehm contemplated, could only have a defensive character.

Q But are you saying that a militia, a defensive militaia, has no military character?

A We in Germany, distinguish very strictly between military organization and militia.

Q I don't want your interpretation. Am I not right in thinking that people in Germany have just exactly the same idea of military character as people in any other country?

A I may have chosen a wrong expression. It was the intention of Roehm to create a militia patterend after the militia established in the Western countries.

H0923-0048

Q Very well. Then I take it that the reason you tell us that the secrecy was required was that the people were opposed to a creation of a defensive militia. Is that correct?

A Yes.

Q I quote the next paragraph, or the relevant part of it.

"The Reich Minister of the Interior, at the request of the Foreign Office, has given strict instructions to all Reich authorities, according to which the most severe control is to be exercised over all publications which might give other countries an opening to construe German infringements of the terms of the Versailles Treaty."

That does not give any reason for the secrecy, nor does it say anything about a defensive militia, does it?

A May I ask from whom is that letter?

Q This letter emanated from the Supreme Command of the SA, and it was signed by Seidl, Gruppenfuehrer and Chief of the Central Department.

A It was clear that the negotiation between Roehm and the Western powers, by which Roehm endeavored very strictly to obtain friendly relations, had not yet been concluded.

Q That is not what I am asking you. What I am asking you is, is that the reason for this secrecy? Was it because people in Germany were opposed to a defensive militia? Why do you tell me that when that was not the reason at all?

A I do not understand.

Q Very well, we will go on. I am going to read you the last paragraph of that same letter.

"On principle, pictures of the technical, specialized units of the SA and the SS, in particular the signal and motorized companies, and possibly also of the

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separate air wings, are forbidden such pictures enabling other countries to prevent the alleged formation of technical troop units."

Do you consider signal and motorized companies as having military character?

A The SA did not have signal companies, nor did they have motorized companies.

Q But it is issuing pictures and pamphlets to its members about it! What is the purpose of issuing the SA members literature on signal and motorized companies and running separate air wings?

A I only can repeat that it was the endeavor of Chief of Staff Roehm to create a militia with the full knowledge and approval of the Western powers.

Q We have heard, over the last two days we have listened to you talking about Roehm's attitude about several things. I just want you to answer my question now. You tell me that the SA did not have signal or motorized companies, is that right?

A I said that the SA did not have signal companies, the SA did have signal supplies.

Q Tell me,what does this mean? "On principle, pictures of the technical specialized unites of the SA and SS!" What does that mean; if the SA and SS did not possess specialized units?

A These were new troops. Until the dissolution of the SA, the SA had special units, Naval units, and signal units.

Q But I do not want to spend too much time on this one document. Do you say that in view of that letter, the SA had no military character?

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A The SA did not have any military character.

Q Very well. I want to refer you to another document, which is PS-2823, US-429. It is a document which you spoke about thismorning in connection with the appointment of Col. Aulet as a training officer to the SA. If the SA training had no military character, why was it necessary to have a regular Army officer to advise on their training?

A I modified that already this morning, by stating that the border control question and the question of the defense of the Reich had something to do with it.

Q So that he was only here to advise on the training of the border control, is that right?

A For the training of the SA for border protective tasks.

Q Well then, was the SA, or did the SA receive military training for their border protection tasks?

A The training could be performed only in accordance with the lines prescribed by the SA athletic badge, because a means for any other training was lacking.

Q I would be grateful to you if you will answer the question put to you and not some imaginary question of your own. Did the SA undergo military training for the guarding of borders?

A The training which the SA gave to its border control troops was not of any military character, but really of an athletic nature. Anybody who has been a soldier knows the wide difference between these two methods of training.

Q Let me read to you a paragraph proposed by the Reich Minister for Defense. The Reich Minister for Defense is, in other words, the War Office, isn't it?

A Yes.

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Q Well, this is his proposal.

"Lt. Col. Aulet will take over a responsible position in the staff..." That's the staff of the SA, you understand.

A Yes.

Q ". . .thereby all duties and inspections which deal with military training shall be subordinated to him."

What's the meaning of "military training" in that document?

A This reference to the training given to the schools of the Ausbildungs-schulen and to this officer, Col. Aulet, was coordinated. The Reich-minister of Defense used the expression "military training" but it was no military training.

Q But why should he use the expression military training if it is not military training?

A That was a language used by military persons. We did not have any weapons for our training, and for military training you have to have weapons.

Q Very well, we will go on.

Now I want to refer you to some of the articles which appeared in the magazine, "The SA Man". That magazine was read exclusively by members of the SA, was it not?

A No. Certainly not every SA man read the newspaper, "The SA Man". In 1935 the publication was issued in 200,000 copies, which meant that every 20th man in the SA read it.

Q "The SA Man", the periodical, was distributed to every unit, was it not?

8 A No, there were Sturms which did not obtain the magazine. The subscription was voluntary.

H0923-0052

Q May I take it that the majority of the SA units received "The SA Man"?

A No!

Q What was the purpose of having a pamphlet called "The SA Man" if it was not intended to be read by the SA.

A We did desire to have the publication "The SA Man" to be an organ dependent on the SA leadership, but unfortunately we never succeeded in that.

Q I am going to ask you about some of the articles in it, whether they were read or not. Does the articles entitled "The Defense Platoon" and "The Company in Battle" sound military in character?

A Such articles were also published in other publications.

Q Will you answer my question?

A The article did have military character.

Q That was from the 27th of January, 1941. On 3 February, an articled on the Luftwaffe; on 10 February, an article entitled "The March"; on 17 February, "Pistol Shooting"; on the 10th of March, "Orientation and Terrain"; on 17 March, "First Aid". Would I be right in saying thateveryone of those articles are military in character?

A Before forming an opinion it would be necessary for me to read those articles which I do not remember.

Q If we assume that they are military in character, what was the reason for publishing articles of this kind month after month in the SA magazine?

A The publication, "The SA Man", just as any other publication, bought articles from all kinds of different publications, such as historical, economic, and military articles.

Q Do you say that every publication in Germany was publishing articles on such things as these? "Chemical Warfare", "Modern Battle Methods in the "The Use of Flame Throwers At The Front"

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View of the SA Man", "Morse Code, Telegraph Operation", "The Significance of Tanks in Modern War," "Exercising and Commanding," "Gas Protection Primer". Did every German paper publish "Gas Protection Primers" in 1934? Is that what you are telling us?

A I would say that many of these articles only prove that other countries were in the process of rearmament, because many of those articles were taken from publications of neighboring countries.

Q And you are telling us that it is probably about the rearmament of other countries?

A I do not know because I do not have the articles here, but I was told that many of those articles were bought from foreign magazines.

Q This one doesn't sound like it, "Modern Battle Methods in View of the SA Man". Do you think that that article was bought from a foreign magazine?

A I do not know this article and I cannot express myself on it.

Q Is this one, "We go into the Terrain", relating to map reading, does that sound as if it came from some other source?

A I admit that that article could not have originated from a foreign country.

Q But it was an official pamphlet, wasn't it?

A The editorials of the magazine were not entirely penned by the SA leaders.

Q Yes, but the magazine was not independent as you pretended it was when you gave evidence about it yesterday, was it?

A It belonged to the publishing house Eher Uerlag, and the editorial staff was appointed by the Eher Uerlag publishing house, and the SA published in it its official announcements, orders, and things of that sort.

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Q And the Eher Uerlagxxxx publishing house was the official publishing house for the Party, was it not?

A Yes, but at any rate it had nothing to do with the SA.

Q It published "Mein Kampf" did it not? It published the organization book of theparty, did it not? It published all official books, such as Verfuegungen, did it not?

A I do not know, but I consider it is right.

Q Are you saying now that what appeared in "The SA Man", published by that company, was not approved by the SA and the Party authorities?

A Most certainly yes, just as in the case of any other publication. It was not approved.

Q In fact, did the High command of the SA approve of all of these articles appearing in a magazine entitled the "SA Man"?

A In regard to those articles, we had neither an opportunity nor xxxxx a possibility to express ourselves on them.

Q Are you telling us, I just want to know and then we will leave it, are you telling this Commission that the SA Command were unable and had no control over publications such as "The SA Man", published by the official Party printing press?

A The High Command of the SA in no way controlled the contents of "The SA Man". There was a special office in existence for that purpose. Anyway, the High Command of the SA did not assert such control.

Q I am just going to refer to one further article, and I am going to ask you whatefforts were made by the SA Command to have that sort of thing stopped. It is an article entitled "The War ofTomorrow."

"By decree of the Fuehrer, the 18th of March 1937, the SA Sports Badge was declared as a means for the aggressive training of the body, for thefostering

H0923-0055

of a military spirit, for the retaining of military efficiency, and thereby, as a basis for German military power."

That appears to be the Fuehrer saying that. Why should the Fuehrer say that the SA Sports Badge was a sign of fostering the military spirit, and retaining military efficiency? Why should he have said that if the SA had nothing military about its makeup whatsoever?

A To us, the Fuehrer never said anything in regard to the military character of the SA, and I would have to see the article before I can speak on it.

MR. MASE: May I ask what is the number of the document?

COL. GRIFFITH JONES: It is still 3050, which is US-414. It's on page 12 of the English translation.

BY COL. JONES:

Q I read on. "In the following article, an attempt is made to occupy every SA Fuehrer who does not have the opportunity to do to their proficiency or manner, cited SA services to occupy him with questions concerning military policy, to give him an overall view of different teachings, opinions and beliefs which today are not without decisive influence upon military policy, upon the connection of the coming war, and upon modern national defense."

Wasn't it, in fact, one of the chief aims of the SA to prepare Germany for the coming war?

A Never. Never was that the aim of the SA. It's just the opposite of that.

COL. JONES: Very well.

DR. ASCHENAUER: I would like to request that the quoted articles should be submitted by the Prosecution as exhibits. I have made that request now for six times and at no time was complied with that request. I would like

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to xxxxxx see the articles in the German originals.

COL. JONES: The document was put in as an exhibit before the Tribunal when the case against the SA was presented. I do not know the position about German copiesx when the document was put in, but if in fact there were none, then xxxxxxxxxxxxof course the Prosecution will at once see that Dr. Aschenauer is provided with everything he wants.

DR. ASCHENAUER: May I state in xxxxxxxxx connection with that, that we complained xxxxx that we received from the Prosecution an xx incomplete volume of documents. Repeatedly we requested to receive a xxxx complete set of documents. I personally went to the Prosecution and asked for that. The Prosecution then referred me to Commander Schrader. I then applied to the General Secretayy to receive the document volume because there were certain documents missing. I did not receive it. Dr. Boehm has tried in many attempts, ten times he just told me, and many promises have been made which have not, at any time, been kept.

COL. JONES: Perhaps we can stop this. . .

DR. ASCHENAUER: May I continue. Therefore, I have to ask whenever a reference is made to those documents, that they will be submitted to the defense just x in the same manner as I am bound to submit to the Prosecution my documents. For that reason, I object against the documents, those documents which have been referred to, I object to the use of all documents which have not been brought to the attention of the defense.

DOL. JONES: The documents have been allowed by the Tribunal. I can say no more now than that I will look into the matter.

CAPT. TUBRIBY: Do you say that you have not had access to the documents which have been presented by the Prosecution against the SA?

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DR. ASCHENAUER: Yes.

CAPT. TUBRIDY: Have you brought this to the attention of Col. Neave prior to this time?

DR. ASCHENAUER: Yes, in written form .

CAPT. TUBRIDY: Very well, let's proceed now, and we will seen what can be done to rectify the matter.

DR. ASCHENAUER: I object against those questions.

BY. COL. JONES:

Q Let's turnk to something else. ~~Gen~~ General Obergruppenfuehrer Lutze. . he probably knew what he was talking about when he wrote about the SA?

A Yes.

Q He was Chief of Staff, was he?

A Yes.

Q In March, 1939, he wrote an article, which was published in Das Archiv, and it was entitled, "Lutze on the Military Training of the SA". Why should he talk about military training of the SA if in fact there was none?

DR. ASCHENAUER: May I ask for the number of the document?

COL. JONES: PS-3215, US 426.

DR. ASCHENAUER: I have to object against that document too because it is missing.

COL. JONES: Very well, subject to the ruling of the Commission we will go on.

CAPT. TUBRIDYY: Yes, please proceed Colonel.

COL. JONES: In cross examination I am entitled to put new documents to the witness without showing it to the defense, so that it cannot be said that he is unfairly prejudiced.

H0923-0058

MR. MASE: May I make a remark? Would it be permissible for Counsel to submit the document as a new document since I have the original here?

CAPT. TUBRIDY: The point is that the documents have already been presented in Court, and therefore readily accessible to any one.

DR. ASCHENAUER: I again must object because I have requested that the documents which are available should be made available to me and they have not been made available to me. It is true that new documents cannot be made available to the defense, but we are not concerned with new documents. They are old documents.

CAPT. TUBRIDY: Dr. Aschenauer, will you please sit down. Your objection is understood and it is overruled.

BY COL. JONES:

Q Let me go back and ask you, why should Lutze be speaking of military training of the SA when such a thing did not exist?

A I would like to request the Prosecution to understand that the original expression was not military training, but defensive training, which means the strengthening of the spirit of defense, and which is also very different.

COL. JONES: Well, perhaps now that we have the original we can see what it says. The interpreter will tell you the title.

INTERPRETER: The title of the article is "The Defensive Training of the SA".

COL. JONES: And what is the German word for defensive?

INTERPRETER: Wehrergiehung.

BY COL. JONES:

Q Then am I right in saying that the German Army was called the Reichswehr as well?

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A Until 1935.

Q Would you say now that before 1935 the Army had no military training?

A That comparison is entirely incorrect and out of proportion to. . .

Q The Army was called Wehr, meaning defense or defensive, was it not?

A The Army of the Reich was a defense formation which had arms. The various organizations like the Wehrmacht, the Rotkampferbund, they all were Wehr organizations, but they did not have arms, and now suddenly you men should consider the SA as a criminal organization simply because it did perform defensive training.

Q Very well, I do not want to go on with that. If it was not military training, what kind of training was this that you called defensive training?

A Physical strengthening, athletics and defensive athletics.

Q Are you telling us that even your athletics bore no relation to the military nature of the country and had no military character?

A They had just as little military character as those organizations in the United States and England which were organized for the maintenance of peace.

Q I just want to read you two passages about what Lutze said in that article.

QAlready in 1920 by the founding of the National Socialist Sport Troop (SA) the Fuehrer established the extensive mission of this SA of that time in which he declared in the protocol of its founding. . . "The sport troop SA shall be thebearer of the military thought of a free people." In the same sense the Fuehrer said in his book "Mein Kampf": Give the German Nation six million perfectly trained bodies in sport, all fanatically inspired

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with the love for the Fatherland ~~xx~~ and trained to the highest offensive spirit and a National Socialist State will, if necessary, have created an Army out of them in less than two years ."

I miss the next paragraph, and I read:

"However, the men never forgot the mission of the Fuehrer to require the military training of the German man and to reconstruct the military spirit in the German people."

Having heard that from Lutze's own article, are you still saying that the SA had no military character?

A I can only reiterate again and again that the training given by the SA had no military character.

Q Let me go on with another short paragraph.

"In 25 schools of the troop and in 3 Reichsfuehrer schools of the SA yearly 2,200 to 2,500 officers and non-commissioned officers were trained since 1934 in special educational courses until they possessed the education and examination certificates. In clearly outlined training directives the training goals which had to be achieved yearly were given and at the same time the yearly Reich competitive contests were established."

I understand I quoted those figures incorrectly. They should be 22,000 and 25,000.

Why was the SA producing 22,000 officers and noncommissioned officers if they had no military character?

A The SA did not train officers or non-commissioned officers. They trained leaders and subleaders~~x~~ for its athletic program.

Q If the SA did not train officers and non-commissioned officers, ~~xxxx~~ why should Lutze say it did?

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A Lutze did not make any claim of that kind. The words which Lutze used were "Fuehrer" and ~~xxxxx~~ "UnterFuehrer" which means "leader" and ~~xxxx~~ "subleader".

CAPT. TUBRIDY: We will adjourn now.

(The Commission adjourned at 1715 hours.)

The foregoing is a true and correct transcript of the testimony of MAX JUETTNER taken on 29 May 1946.

Charles A Gallagher
Reporter (pp 1-15)

H B Darrow
Reporter (pp 16-38)

Rose W Cook
Reporter (pp 39-44)

Pilani A. Ahuna
Reporter (pp 45-60)

CERTIFIED TO:

Joseph F Tubridy
Commissioner

Commissioner

H0923-0062

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

WEDNESDAY, 29 MAY 1946.

COMMISSIONERS:

Captain Joseph Tubridy.
Mr. Martin-Havard.

THE S. A.

(The Commission convened at 1000 hours)

MAX JUETTNER, a witness, resumes the stand and testified as follows:

-- -- -- -- --

CAPTAIN TUBRIDY: The witness is reminded he is still under oath.

THE WITNESS: Yes.

BY DR. ASCHENAUER:

Q Did the SA conversations with military attache' in the Standartenstrasse 10a in Berlin have any prospects to succeed?

A It was my definite impression they were successful more, for instance clearly with the French Military Attache' at whose side I was sitting, who expressed his agreement to me.

Q Did the French Ambassador Francois Poincet participate in those conversations?

A So far as the conversations or the conferences which I attended are concerned, he did not.

Q And at other conferences?

A I don't know.

Q Then I would like to direct your attention to document of the prosecution PS-2821, and I quote: "Obergruppenfuehrer Kruger is the permanent liaison between the Reichsministry of Military Affairs, and the SA leadership." What is the meaning of the expression "AA" in those words?

A The expression "AA" activities refer both to the training affairs, and to border protection.

Q Was there any connection between those socalled "AA" activities, and the border protection activities of the SA Storm?

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A Yes, both connections between the border protection storm of the SA and the "AA" work. The SA border protection Storm were, to say, continuation of the "AA" activities, and were developed from similar formations of the previous administrations of Reichschancellery Bruning,and Reichsminister Severi Those border control Storms were incorporated into the SA; if they did not become part of the SA, they received SA leaders ad leaders of the border contro Storms.

Q What was the name of the chief of the training program who was mentioned in the document PS 2821?

A The chief of the SA training, who was subordinate to the chief of the staff of the SA, was a continuation of an earlier office called Reichskuratorium fur Jugend, for youth training, which would be something like a Reic office for youth training. The task in the socalled Reichskuratorium was to take care of unemployed youth who had become demoralized, and the Reichskuratorium aimed at readjustment of those demoralized young men. The Reichskuratorium furthermore organized the physical training of those young people, and tried to train them in the spirit of discipline and honesty. The thought training program of the SA adapted those tasks of the Reichskuratorium, and in addition to that it assumed the training program as it was subsequently manifested in the SA Sportabzeichen, which is the SA athletic badge, and at the same time to train the beforementioned border control Storms for their special tasks.

Q Who were the people before 1933 that participated in the training program of the Reichskuratorium fur Jugend?

A Members of all kinds of patriotic societies, as for instance, the Stahlhelm, Werwolf, SA, Reichsbanner, Jungdeutscher Orden, and even any organized young men participated in the activity of the Reichskuratorium.

Q I now report from Prosecution document PS 2823, paragraph 7, for the purpose of camouflage SA Oberstleutnant Aule with SA uniform, with a rank insignia was in accordance with directives of the SA leadership. What was the meaning of it?

A The function of Oberstleutnant Aule was to assist the chief of the training program in carrying out his functions. That was an agreement between

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Roehm and theArmy. He was supposed not to wear the Army uniform, because members of the SA were not really to subordinate themselves to members of the Army. The position it took was tending towards the establishment of a militia, and was opposed to a professional army.

Q Would it be decided from the last sentence of the Document PS 2823, that the Chief of Staff of the SA in accordance with which Oberstleutnant (Lt.Colonel) Aule would become the chief of training program. Would that mean there had not been reached an agreement between the leadership of the SA, and the top level of the Ministry of War?

A The chief of staff of the training program of the SA was Brigade-fuehrer Mehlmann, and Chief of Staff Roehm would have preferred, however, SA men in that position, and not officers of the Army. Whether there existed any controversy between the SA leadership and the Reichsministry of War, I don't know.

Q Do the documents of the prosecution from which I have quoted show

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the plan of Roehm that he was unable to carry out to form a people's militia modeled after the pattern of the Swiss Militia?

A I can now definitely answer that with a "yes".

Q If it was the tendency to reach an agreement with the Western Powers, why were orders issued that these matters should be kept a secret?

A On the one hand negotiations had not been brought to a successful conclusion, therefore, it was a matter, of course, to keep them a secret. On the other hand Roehm was opposed by certain people, for instance, Goebbels; therefore, he was compelled to take care of these negotiations which were kept a secret.

Q Did Roehm create for himself by his program in regard to the military matters, and in regard to matters pertaining foreign affairs, by which he created enemies other than Goebbels, or in addition to Goebbels, that is, enemies toward his idea to establish a militia with the approval of the Western powers?

A Yes, there were a number of enemies who exerted some influence with the Fiehrer.

Q Did Roehm plan a putsch, or "coup d'etat"?

A No.

Q Was there a mobilization of forces of the SA, which was necessary for an uprising?

A The SA leadership did not mobilize the men for a putsch.

Q Do you know whether or not the idea of continuing friendship negotiations with the Western powers played a part in the plans of Roehm beginning with the year of 1933, or already earlier?

A I have no personal knowledge of that, but I was told that it is more certain they had discussed such ideas already before 1933.

Q In this connection I would like to request the admission of the following two documents: A document of Graf Erich Waldbrugzn Zeil, dated May 12, 1946; secondly, a quotation from the newspaper Der Gerade Weg, dated June 5, 1932, page 9. I have a copy, a certified copy of it, certified to by Captain Schrader. Both documents are supposed to prove that there existed an agreement between Sir Henry Deterding, and Roehm, which had been brough about by the English Intelligence Service; that by this understanding

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there had been created the basis for a friendship back in the past. This agreement is supposed to prove that Roehm definitely followed the aim or policy of the French, and that he fought off the policy even before the seizure of power, and by that understanding had been laid the basis for the conferences with the Western Powers.

CAPTAIN TUBRIDY: Do you have it here?

DR. ASCHENAUER: The affidavit I have here.

COLONEL GRIFFITH JONES: I believe it would be better to receive the affidavit instead of listening to Dr. Aschenauer.

DR. ASCHENAUER: I have only the original.

CAPTAIN TUBRIDY: Is it translated?

DR. ASCHANAUER: No.

CAPTAIN TUBRIDY: May we see the document, please.

DR. ASCHENAUER: I would like to add a question to the last one.

CAPTAIN TUBRIDY: Please, may we see the document.

COLONEL GRIFFITH JONES: I have no doubt the procedure has been adopted throughout this trial similar to the Tribunal, that if there are documents to be put in either by the Prosecution or by the Defense, a translation should be made available at the same time, or beforehand, and I would submit that the same procedure should be followed before this commission. I have now these two documents in German which were handed to me. I cannot read a word of either of them, and until such time that they are translated I am not in a position to form my opinion.

DR. ASCHENAUER: May I make a suggestion. I tried a few minutes ago to express a request about the last sentence of the original with the understanding between Sir Henry Deterding, and Roehm. The original is deposited in a safe of a bank in Zurich, or Cheu, Switzerland, and that can be established definitely by Count----

COLONEL GRIFFITH JONES: May I interrupt. I am not for the moment raising any question as to where the original is. All I am asking is that these documents not allowed to be put in until they are translated into English.

DR. ASCHENAUER: By these, I am referring to a lengthy document and I agree we postpone submission in this case until I am able to submit a

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translation.

CAPTAIN TUBRIDY: I understand you are withdrawing submission of these documents, Dr. Aschenauer?

DR. ASCHENAUER: I shall on alater date submit the documents in translation, then the Commission will be in a position to decide whether they are admissible at all.

CAPTAIN TUBRIDY: The immediate point is that these documents which are being submitted in German only, cannot be passed upon unless they have a proper translation. I think the objection is proper, and the documents cannot be accepted at this time.

DR. ASCHENAUER: Then I may continue.

BY DR. ASCHENAUER:

Q What was the meaning of the death of Roehm in regard to the SA?

Gallagher
H0923-0068

A. By the passing of Roehm the SA lost the significance of all things from all political positions.

Q. Is it possible to speak of a "conscious" enemy nation of the SA after the 30 June 1934?

A. Yes

Q. From the athletic training program, did the athletic program for the athletic badge of the SA appear ot be military type of programs, or were those training programs more in accordance with the athletic program of the Reichskuratorium fur Jugend?

A. Yes, the athletic badge of the SA was developed by the training schools of the SA.

Q. Is it therefore correct that the athletic contests were nothing but the last step in the athletic training program of the Reichskuratorium fur Jugend?

A. To a certain degree, yes. Those athletic contests were contemplated as exhibitions, and demonstrations of achievements in files of athletics, and support for the widest circles of population.

Q. Were military discussions, and military situations the basis of the athletic program of the SA?

A. No, they were strictly prohibited.

Q. Were those athletic contests which were held in connection with the SA athletic badge, were those contests held in full public?

A. In every case, yes.

Q. Were invitations extended to foreign diplomats to attend such SA contest

A. Yes.

Q. One might believe that for such athletic training program it would have been sufficient to retain the Reichsportabseichen, which was the athletic badge of the Reich?

A. No, that would not have been sufficient. The purpose of the Reichsportabzeichen, the athletic badge of the Reich, was aimed only at the time of the top performance. However, the SA athletic badge was set up and organized for the development of physical strength in the large sectors of the population, and by the repeated performances which was required, it was contemplated to maintain the fitness and the training of all those who had the SA athletic badge.

H0923-0069

Q. Isn't there a conflict created by the fact that the Naval School of Dusternbruch conducted the maritime training? I am making reference to the Prosecution Document No. PS-2354.

A. At the SA Naval School, and in the Naval Storms of the SA, of course, the kind of naval activity like rowing, sailing, and so on, was practiced. The student body of those Naval SA schools was recruited from the population bordering on the ocean. Those people living at the border of the ocean obtained through the SA Training School the opportunity to get further professional training, and also to be of service to the public in the case of disasters and emergencies. The very simple training program of those SA schools used the training instructions of the German Navy. The recruits for the Navy could not be trained at those training schools, because on the basis of age of people who were enrolled in those training schools could not have been considered as materi for the Navy. In summary, I would like to add that I would like to summarize that those Navy units of the SA had as their goal to encourage the interest of Naval activities in all their participants.

Q. Isn't it true that a large number of rowing associations were compelled to join the ranks of the SA?

A. Sofar as I know the rowing associations became a part of the Reichsbund fur Leibesubrung, of the Reichs Association for athletic training. I do not believe that compulsory transfer of those rowing clubs had been performed.

Q. Was there influence played by the introduction of compulsory military training in relationship to the training program performed by the SA?

A. No, there was no connection between the introduction of military compulsory service in Germany and the SA service.

Q. Did the SA at any rate in every instance conserve the known military character of its training program?

A. Most strictly, both under Chief of Staff Lutze, under myself, and my successor Stabschef Schettmann.

Q. Would not there have existed difficulty for the military program of the SA by the so-called participation service?

H0923-0070

A. The participation service of the SA were to a high degree as service in the SA voluntary; for instance, in the year of 1936 we made statistics which showed that there was an average attendance of thirty-seven percent of the SA.

COLONEL GRIFFITH JONES: Thirty-seven per cent?

THE WITNESS: Thirty-seven. The basis for the lack of attendance in the SA service was in effect due to many of the SA men who had many occupations; the effect of farmers and peasants had to work long hours by sewing and harvesting, and the fact that inductrial workers had to do night shifts, made it impossible for them to participate frequently in the

SA service. There were SA Storms which for reasons of the occupational functions of their members were unable to have any SA service for weeks, or even for months. It was, therefore, entirely impossible to conduct a military training program for those years.

Q Now is it correct as the Prosecution has claimed that 25,000 officers had been trained in these socalled officer training schools?

A The SA was in no position at all, and it was not equipped at all to train officers, as military formations do know them. I could ennumerate many names of SA leaders who had been officers, and who entered the ranks of the SA. I could give you names of many of the SA leaders who when they entered the Army became simply enlisted men.

Q So we can not talk about the 25,000 officers.

A The maximum number of high SA leaders which we had in 1938 was 25,000.

Q Were there any officer training schools in the SA?

A No.

Q Therefore, is it correct that no training of that kind could be carried on by the SA?

A It was impossible to perform such a training program by the SA.

Q What was the meaning of the order concerning extra military training, dated 19 January 1939?

A That order issued by Adolf Hitler finally had the purposes of giving again a tangible purpose to the SA. By that extra military training as contemplated by that order of 1939, the SA members were supposed to get physical training before joining the Army, and to go through a program of physical fitness. Sofar as the Army expressed desires concerning premilitary training, those desires should be respected and considered. However, military training sofar as tactics and service with the armies, and weapons were entirely out of the question. However, that order of 1939 did not become effective any more. When the war started the high com-

H0923-0071

H0923-0072

mand of the Army suspended such order, and the Reichsleiter Bormann had opposed the order from the very beginning, and saw to it that it would not be carried out.

Q Isn't it true that connection with the order of 1939, of course, was conducted, and that about two-hundred men participated in that training ourse?

A Yes, this course was the only one to which the SA sent two-hundred of its men, who were trained in agreement with the Army. The purposes of the training of those two-hundred SA leaders is what they could learn by practical experience by the specific desires of the Army with regard to the training program. For instance that course should determine how long a marching performance was required in this age of progressive motorization. Furthermore, what kind of hindrance should be taken by persons engaged in such training program. That training course was invalid in the face of that order of 1939, which later was again suspended.

Q Is it, therefore, correct to say that Bormann was the enemy of the SA, which could not be conquered?

A Yes, I have to answer in the affirmative in a very clear manner. Yes, I must say that Bormann did not miss an opportunity to belittle the significance of the SA, to eliminate its influence totally. As can be proved that with Bormann it was his intention to get rid of the high leadership, or high command of the SA entirely. It was his intention to transfer the SA leaders to the Gauamtsleiter, and by that procedure he intended to make the SA a willing tool in his own hands.

Q Does not the fact that the SA did not become the basis for the Volkssturm, prove that the SA did not have any power at all?

A That is correct, even with one aim of divided opinion in regard to the Volkssturm.

Q What was the relationship of the SA regiment called the SA Regiment Feldherrnhalle, which was mentioned by the Prosecution?

A May I compare the SA Regiment Feldherrnhalle to the

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Standarte Feldherrnhalle. The Regiment Feldherrnhalle was a mere formation of the Army; by any other formation of the Army, it was Standarte to the high command of the Army only. The Chief of Staff of the SA, or the SA leadership had no power at all to issue any orders to that Regiment Feldherrnhalle. The members of the Regimen Feldherrnhalle were required to have belonged to the Army reserve before they joined the regiment. It would, therefore, be fair to speak about a SA Regiment Felderrnhalle. The Regiment Feldherrnhal and later on the division Feldherrnhalle, were considered symbols of participation of the SA in the Army. Whenever the reports of the high command gave recognition to the service rendered by the Regiment or Division Feldherrnhalle, that was a recognition also for the service entered by SA men in general. However, the SA Standarte of the Feldherrnhalle, that was actually a unit of the SA, and actually only a garrison of the SA that lived in barracks. It would not be possible at all to compare that Standarte Feldherrn halle to military units, or to the Waffen SS. Chief of Staff Lutze created the staff of the Feldherrnhalle only for reasons of presentation and reputation. After the passing of Roehm, it was thought that the Standarte Feldherrnhalle should serve in the way of rehabi litating the good name of the SA. Originally the Standarte did not have any Army men at work at all. Later on they were equipped with carbines, so that the Standarte could provide ordinary guards, and ordinary troops at special occasions, and state holidays. It was thought that this SA Standarte Feldherrnhalle should like the labor service, like the Waffen SS and like other ordinary formations should fill a percentage of the functions at special occasions. Th leaders in the SA Standarte had the same ranks as leaders in other SA formations, such as Sturmfuehrer, Sturmbannfuehrer, and so on. However, the SA leaders who served in the Regiment Feldherrnhalle had military title and ranks of Lt. Colonel, and so on. The SA men who belonged to the Standarte Feldherrnhalle, they received the athletic training, strategic training, and in addition to that voca tional training; and the members of the SA Standarte Feldherrnhalle

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gave reserves to the Regiment Feldhernnhalle.

Q What were the consequences of the outbreak of the war in regard to services of and in the SA?

A With the outbreak of the war, the SA, as it was made up, of course, with very patriotic Germans, did everything in its power to strengthen the German Army. Practically it became more and more difficult to carry on the SA service. Very soon it developed that sixty percent of the SA men had become members of the Army. Many SA units had entirely suspended their duties and performances. Wherever there was SA duty performed, it was ground service in the manner of Indians shooting, training and developing climbing, and the taking of obstacles.

Q What was the attitude which the Chief of Staff took towards the war?

A Chief of Staff Lutze and we all were opposed to war, and was against the war, and that in effect caused Bormann to characterize him as a defeatist in the conversation in the clubs.

Q In this connection, I would like to ask you if you know that there had been concluded an agreement between the SA and the Army, between Brauchitsch of the Army, and Lutze of the SA in 1939, which contemplated that if there ever should develop a conflict in the Army between the SS in regard to military intentions of Hitler or Himmler, that the SA should join the Army to prevent the outbreak of war?

A At a later date only I learned of such an agreement.

Q I shall submit at a later date the translation of an affidavit by the deputy, Dr. Gordeler, who was president on 20 Jul 1944. The man who gave that affidavit is Dr. Menge. After the downfall of Roehm, did the SA have any influence in foreign affair

A None at all.

Q Was the SA used for any purposes of aggressive form of policy?

A No, sir, never.

Q Did the SA give support to any endeavors to formulate

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international understanding?

A I have to answer that very strongly in the affirmative and that Oberlindober will be in a position to give many details on that subject on this occasion. I would like to stress that the SA gave active support to all veteran movements in other foreign countries. Those peaceful endeavors have also found an expression in the publications of German veteran organizations, and I, myself, made it my business to see to it that such publications would be disseminated, and I participated in the Berlin conference of the various veteran organizations of many lands.

Q The Prosecution considered the participation of the SA in the formation called Sudetandeutsches Freikorps, the disturbance of the peace, as one may learn from Prosecution Document No. PS-3036, an affidavit by the SS Gruppenfuehrer Gottlob and Berger, in which you participated personally, therefore, you are in a position to clarify the facts.

A I did personally participate. I was at the headquarters of Konrad Henlein, where also Berger and a representative of the Army, Oberstleutnant Kochling participated, and as representative of the NSKK Obergruppenfuehrer Sauer. Sauer and myself were not asked to participate in the conversations on the use of that Sudetan German Free Corps. The Free Corps was composed of male Sudetan German refugees. It did not have any value as to a military fighting unit. They were just an unorganized band, loosely set up, and not tied up as the military formations were. The SA did give support to that free corps, on the one hand by giving to the Free Corps SA men who served in border control service of the SA, and that was done only in less numbers. It was necessary for us to use a special order to accomplish its effect. That was for the SA men nothing but a mere border control protection measure. In addition to that the SA gave shelter and provided transportation to these streams of refugees, old men, women and children who found themselve in terrible conditions.

They were directed to the collecting camps in the interior of the Reich. Furthermore, the support rendered by the SA resulted in obtaining clothing and other equipment by the free corps.

CAPTAIN TUBRIDY: How much more time do you need for this witness?

DR. ASCHENAUER: 40 minutes.

CAPTAIN TUBRIDY: Can you make it shorter than that?

DR. ASCHENAUER: I shall try to do so.

CAPTAIN TUBRIDY: Let us take arecess for 10 minutes.

(A recess was taken)

DR. ASCHENAUER: May I continue?

CAPTAIN TUBRIDY: Yes.

BY DR. ASCHENAUER:

Q Did the SA leadership have any part of the Austrian incident?

A No. Not the slightest. The program Northwest consisting of so many refugees returned to Austria after a few weeks time.

Q Was there an SA unit in the General Government -- Government General?

DR. ASCHENAUER: (Discussion in German with Interpreter).

BY DR. ASCHENAUER:

Q Was there an SA unit Government General?

A A short time, or a time, after the creation of the Government General the SA Unit Government General was drawn up. This unit consisted of racial Germans who were accepted as applicants for theSA, and of members of the SA who had their occupation or profession in the Government General. The purpose of the aims were to transfer these again to the SA after the end of the war.

Q What effect did the degeneration of the position of theSA have?

A That might perhaps be shown best by the following example: Chief of Staff Borman was chief of staff Reichsleiter in the party, and Reichsministe Chief of Staff Lutze was only chief of staff and Reichsleiter. He was no longer a Minister of the Reich. Chief of Staff Scheppmann was only a chief of staff. He did not have the title Reichsleiter or Reich Minister.

Q That would mean that the SA was eliminated as far as interior politics were concerned?

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A Yes.

Q The Prosecution has submitted an affidavit saying that thousands of local meeting places of the SA were used as detention places or arrest places. It says that hordes of SA men ran through the streets, robbed and beat people or killed them by beating them, since 1933.

COLONEL GRIFFITH JONES: Was there a document reference?

DR. ASCHENAUER: Document 1759 P.S. It refers to the time in 1933 at the changing of power, seizure of power, 1933.

MR. MASE: What page?

DR. ASCHENAUER: Page 9 of the German text.

MR. MASE: And the English text?

DR. ASCHENAUER: I believe Page 5 of the English text.

BY DR. ASCHENAUER:

Q What can you say to this?

A As is known, the National Socilaist Party came to power in a legal manner by a vote. The National Socialist Party never left the slightest doubt that it endeavored and strove for an authoritative leadership. In this respect the seizure of power can be compared to a revolutionary act. If one compares this seizure of power with other similar historic acts, this took place without bloodshed, and in this respect the statement made in the affidavit is not true, in general. A large number of the police had proved to be unreliable in the years previous, unreliable in a patriotic sense. For that reason several state offices and authorities authorized people to be arrested by the SA.

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In order to carry out this police and executive action, members of the SA and stillcamp (?) and the Bismarck Bund were used. From this time forward these people no longer were subordinated to the organizations but to the state authorities.

Q For how long did this continue?

A I should say that the action ended in Prussia at any rate when the "Feldjaegerkorps" was taken over, the third leader corps, and the building up of the police.

Q What was the purpose of the "Feldjaegerkorps"?

A The "Feldjaegerkorps" consisted of -- mainly of unemployed people and SA members.

MR. MASE: I believe the witness said it was composed of unemployed SA men, not unemployed and SA men.

THE INTERPRETER: I am sorry.

MR. MASE: You said unemployed and SA men?

THE INTERPRETER: Unemployed SA men. I am sorry.

BY DR. ASCHENAUER:

Q Unemployed SA men. Was this subordinate?

A The "Feldjaegerkorps" was formed, paid by and was subordinate to the Prussian Reich Minister of the Interior. This organization had become a very good and well-trained police troop. It was the task of the "Feldjaegerkorps" to insure order and to see it that the members of the party bore themselves well and with discipline; to control and check motor or transport system; to help in forming parties.

This "Feldjaegerkorps" was not subordinate to the chief of staff of the SA, who had no influence as to the work the corps was put to. The original place for the "Feldjaegerkorps" was Berlin and Prussia and was later formed in other places, and always as a state institution.

Q Did the SA men have connection with the security service, the SD?

A Chief of Staff Lutze prohibited in writing any service of an SA man in the SD.

Q Did the SD have anything to say when an SA man was promoted?

A In no case.

Q The Prosecution submitted an affidavit, 3232 P.S. 3232. An affidavit by Walter Schellenberg. Therefore, I may ask the question: What was the relationship of the SA to "Stadt-und Land Wacht" at the concentration camp.

A The "Stadt-und Land Wacht" city guard, and the Laflalen were state institutions. By reason of local regulations that existed, SA men could be drafted in emergency draft into the "Stadt-und Land Wacht and Laflalen. When requested, small units of the SA were placed at the disposal of the Stadt-und Land Wacht and the Laflalen.

In such cases, these people were used as auxiliary police and were no longer subordinated to the SA Fuehrer. From the time on that the concentration camps were placed under the jurisdiction of the Reichsfuehrer SS, the SA no longer had anything to do with the concentration camps. As far as I know this was in the spring of 1934. Previous to this time there is much talk of the so-called wild concentration camps, unauthorized concentration camps. This term is a wrong one. There were concentration camps at that time administered and guarded by SA members. They had to be instituded, however, by the police presidents who, partly, or part of them, were SA fuehrer; but in every such case the police presidents acted as police presidents and not as SA fuehrer. But they made use of SA men and, when they were SA fuehrer, as auxiliary police, as guards at these camps.

Q Did the supreme SA leadership know of the conditions now known of in the concentration camps?

A No. It was impossible for the SA leadership to know of these conditions.

Q Why?

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A Because, as is known, it was forbidden both for the inmates and the guards to speak of the conditions, on punishment of death.

Q Since when have you known this prohibition to speak of conditions in the concentration camps?

A I heard of these prohibitions only after I learned of the conditions in the concentration camps. And I wanted to clarify why we were not able to know of this previously.

Q Give me the time as to when you found this out.

A When the first announcements were made in the press as to the atrocities mentioned by the Prosecution here.

Q After the occupation by the Americans?

A Yes.

Q You spoke of the opposition between Wehrmacht and Lutze. How could a decree to this effect come about that authorize every local official to call upon every SA member of an affiliated organization for cooperation?

A Before 1933 practically every SA man was at the same time a party member. This fact brought about a double subordination for SA members. After 1933 when the SA increased very much numerically, there were, for a very long time, very long extent of time, only about 70 per cent of SA members at the same time party members. That would mean that not all of them any longer had this two-fold subordination. Normally, the political leadership only called upon the SA to this extent: For them to be used in propaganda marches, for protection of meetings, for collections for the winter welfare, or other charitable purposes, use in cases of emergencies and catastrophes, and, during the war, his use as a Volkssturm man. The political leadership never called upon the SA fuehrer to supply men for illegal activities. The illegal activities were never requested, but as to the events of the 9th of November '38, I should like to make a special statement. Normally, only what was legal was asked of the SA. There was no such thing as blind obedience in the SA. This is proved by the first service

-- as a service regulation valid for a numbers of years, in which the SA man promises obedience if nothing illegal is asked of him. If the SA leadership had first been consulted about an illegal activity or request, this SA leadership would have made strongest opposition, as proved by the 9th of November 1938.

Q And did the supreme SA leadership issue any counter-orders, as the SA leadership could suppose, on orders given by Heydrich, Goebbels, or Walter?

A As soon as Lutze, Chief of Staff, heard of these orders he immediately forbade his SA members in the Rathaussaal in Munich to take part in any action against the Jews.

M. MONNERAY: I think the translation was not quite correct.

THE INTERPRETER: In any excesses against the Jews.

M. MONNERAY: That is right. It isn't "action."

THE WITNESS: He, as I found out later, sent one of leaders into the hotel where the leaders' group were, in order to tell them of his orders. He called together those who were still present in the old Rathaussaal in Munich when he heard that the synagogue in Munich had been set on fire. And as I myself experienced it, he forbade in the strongest terms his men to take part in such illegal activities.

BY DR. ASCHENAUER:

Q Then Lutze was against the action?

A Yes. Decidedly, most decidedly.

Q Can you explain the document submitted concerning the "Kurpfalz-Mannheim" group?

COLONEL GRIFFITH JONES: Which document?

DR. ASCHENAUER: 1721. (Indicating).

THE WITNESS: Yes, I read of it in the indictment.

BY DR. ASCHENAUER:

Q Then another question: Did Lutze put in any open opposition to measures concerning which a local party official could call upon a policemen for help or cooperation?

A I did not understand that question.

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Q Did Chief of Staff Lutze oppose this decree?

A Bormann repeatedly tried to induce Lutze and the SA against issuing orders against the SA and

which could not be justified on a racial basis. Lutze decidedly opposed such measures. He mistrusted and opposed generally everythihg from the very beginning that was issued by Bormann. He once received a letter from Bormann, which I myself saw, and in this letter said -- it was theyear 1939 or '38 -- in this letter Bormann said that the Fuehrer wished that SA men should be asked to resign church membership. In an answer, Lutze rejected this proposal in the strongest terms, and informed Hitler of this. Adolf Hitler was of the same opinion as Lutze.

Q What was the feeling of responsibility of such a case should arise in which an SA member was subordinated to an "Ortsgruppenfuehrer" in an action of the political leadership?

A I might clarify this by means of an example: If an "Ortsgruppenleiter" asked for an SA "Sturm" in order to extinguish a forest fire, the responsibility lay within the hands of the "Ortsgruppenleiter" for the use that these people were put to. That is to say, if anyone was injured during operation, the "Ortsgruppenleiter" would have been responsible for the care of the injured, or for his survivors. The practical carrying out of the action was in the hands of SA Sturmfuehrer and he was responsible for seeing to it that the order was carried out correctly.

Q Was Julius Streicher's newspaper forbidden in several SA units? For example, in the Nordmark. And if so, for which reasons was the Stuermer prohibited?

MR. MASE: That is a leading question, sir, and a combination of two questions.

CAPTAIN TUBRIDY: Will you read the question.

(Question read).

CAPTAIN TUBRIDY: Will you instruct the counsel for the defense to ask one question at a time, and the witness to answer one question?

DR. ASCHENAUER: I only wanted to save time.

BY DR. ASCHENAUER:

Q Was the Stuermer forbidden in SA groups?

A Yes, it was forbidden in individual groups, and Chief of Staff Lutze expressed at an SA Fuehrer conference that he did not wish propaganda to be made for the Stuermer as it had happened.

Q And what was the reason for this?

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A Many of the SA men had showed repugnance to the contents of the Stuermer.

Q Did the SA have anything to do with the guarding of prisoners of war'

A At the beginning of the war with Poland the SA group Sudeten carried out transports of prisoners of war into the camps. Other SA groups in the east may have been used for similar purposes. Later on the SA leadership and the SA as an organization had nothing to do with this question insofar as SA units that had to be put to such work, and who had been drafted on very short notice by the Wehrmacht and thus were under the jurisdiction of the Wehrmacht.

Q What directives did the SA men have to follow in carrying this out?

A The very same directives that all soldiers had to carry out, that a prisoner of war who is defenseless has to be treated with decency.

Q Was foreign labor ever placed under the jurisdiction of the SA?

A I only remember one case, which does not mean to say that this was not possibleother places too. After an air raid on Munich, foreign labor was employed for clearing up and salvaging work, by the supreme SA leadership. SS men or policemen did the guarding -- guarded these people. They were taken care of by our SA administration. The men employed here said in several cases that they should like to remain in this place doing this work. The SA had nothing else to do with the employment or taking care of foreign labor.

Q Was the NSP approved of during the occupation?

A I believe to be able to answer yes, as far as I know, by the occupying powers.

DR. ASCHENAUER: In order to save time and shorten this I should like to point out that Mr. Juettner has written a memorandum. He swore to this affidavit, to this memorandum. The title is "Leadership and Tasks of the SA." In order to shorten the proceedings I should like to submit this memorandum to the Tribunal, as has been done in the case of defendants. This memorandum has been enclosed in my document book. May I therefore ask if Mr. Juettner may use his memorandum as part of his testimony?

CAPTAIN TUBRIDY: Did I understand you to say you are offering this memorandum?

DR. ASCHENAUER: We shall submit this memorandum. The memorandum

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contains the answers to all other questions which I would still have to ask now.

M. MONNERAY: I think the Prosecution would in this case reserve the right, its right, to ask once more the witness for a cross-examination if any question arises out of this memorandum, question which has not been put yet by defense counsel.

CAPTAIN TUBRIDY: Will you show thatmemorandum to the Prosecution, pleas

THE WITNESS: May the witness ask or say something concerning the memorandum?

CAPTAIN TUBRIDY: No. Not yet.

COLONEL GRIFFITH JONES: I agree with Mr.Monneray's suggestion, if we let this in now, reserving our right to re-

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call this witness on recross-examination on any point that arises on that affidavit, once we have it translated.

DR. ASCHENAUER: Another point, Mr. Juettner --

CAPTAIN TUBRIDY: Just a minute, please.

COLONEL SMIRNOV: Might it not be possible to ask Counsel submitting documents to submit documents before-hand so Prosecution can study them before-hand?

CAPTAIN TUBRIDY: I think we might do that. The immediate question now is the submission of this document; with the understanding on the part of the Prosecution, that they will be given an opportunity after examining it and after translation of it, to cross-examine this witness.

MR. MASE: Since this memorandum has been submitted in German only, the original, I do not believe the Prosecution can resolve the question of for further cross-examination. It must reserve the right to object to the submission of this document in general.

CAPTAIN TUBRIDY: Let it be understood that if on translation it is found to be inadmissible, that it will be ruled out.

DR. ASCHENAUER: Then I would like to have the witness hand over two corrections and two additions to his affidavit. These two papers belong to the document that I have just submitted.

Have you the copy?

THE WITNESS: Yes.

MR. MASE: If the court please, there must be 50 or 60 pages of this. When will this be done, the translating?

DR. ASCHENAUER: If it is part of a document book it always has to be translated.

MR. MASE: No. When?

COLONEL GRIFFITH JONES: Another point arises here. Has the Tribunal given permission for this document to be included in the document book?

DR. ASCHENAUER: Not yet, but the document will be submitted as a whole.

COLONEL GRIFFITH JONES: It has been the practice that documents s

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should not be translated until the Tribunal has ruled that they may be, with a view to including in the defense document books.

COLONEL SMIRNOV: It is quite new for me that we can be handed documents that are not those that have already been allowed or ruled on by the Tribunal.

CAPTAIN TUBRIDY: I think perhaps since Prosecution objects it might be better if we excluded the document and had counsel proceed to examine the witness.

DR. BOEHM: Mr. President, I should like to submit this document now. The procedure adopted her and in Court is quite different from one another and there has no order as yet been issued concerning documents in this procedure. Originally we counted on the translation in about eight weeks time. These proceedings came up suddenly and unexpectedly and into our work that we were doing. Therefore, I should like you to excuse if one or the other of the documents that have been submitted have not yet been translated, but they are, in any case, documents that will be admitted in any case.

CAPTAIN TUBRIDY: DoesiMr. Boehm realize that the Prosecution examining the documents that have been submitted cannot tell whether they object to them or not, because they have not been translated?

DR. BOEHM: Yes, I realize that.

CAPTAIN TUBRIDY: And in such case, they cannot consent to their being admitted.

DR. BOEHM: Yes, I realize that, but if the document is not accepted now it will be submitted later on, and if it were not accepted it would mean that I should have to ask the witness about 300 more questions; and I wanted to save the asking of these questions.

CAPTAIN TUBRIDY: Well, we will wait until that time arises.

DR. BOEHM: Well, will the Commission rule now about admission of this document or not?

CAPTAIN TUBRIDY: Yes. The document will not be admitted.

DR. BOEHM: Does thatpossibility exist for your taking up in court the subject as to whether the witness is prepared to testify as to the contents of this memorandum?

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MR. MASE: Is it possible to include in the record as to whether the witness desires to make this memorandum a part of his testimony?

DR. BOEHM: I should like the witness to state "I make the contents or I testify as to the contents of my memorandum of such and such a date; including in my testimony given today."

COLONEL SMIRNOV: I should like to tell the defense counsel that he must adhere to the rules which we have.

DR. BOEHM: I always adhere to rules but I do want to state that the rules that are for these proceedings could not be adhered to because of the unusualness of these proceedings.

COLONEL SMIRNOV: It was settled already that documents which will be given here must be given to the Secretary of the Counsel. I do not know any other decision of the Tribunal regarding this question.

DR. ASCHENAUER: I should like to point out that this decision was only made yesterday; that in a discussion with Colonel Neave it was said that the decision of the Tribunal would have to be sought for. But this took place only yesterday and therefore is quite new for the proceedings.

COLONEL GRIFFITH JONES: I have a further sugges-

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tion. I imagine that not all but some of that memorandum, subject matter of that memorandum, has already been covered by that this witness has said.

DR. ASCHENAUER: Yes.

COLONEL GRIFFITH JONES: It therefore would seem doubtful whether the Tribunal at any time would permit the work of translation on that part of the memorandum which has been covered. If Dr. Aschenauer would mark those passages which have not been dealt with up to now, then, in the interest of time, it might be possible -- anyway, I am reserving the rights -- we let it go now, have it translated, the new part; and then if we have any objection on the relevance of the translation, or if we want to examine the witness on any of it, we might do so.

DR. BOEHM: Mr. President, this proposal sounds very good and would be very practical but there is one reason against this proposal. This document, which I have read and which was sent me by Mr. Juettner, was written by him in his camp at the time when I had not yet spoken to him and he had not yet read the indictment. This representation by Juettner is a complete representation of the department and is a unit which cannot very well be torn apart. Therefore, it is my opinion that the proposal by Prosecutor, which is very practical in itself, is not quite proper here for that which it wants to achieve.

COLONEL GRIFFITH JONES: I should most strongly oppose the suggestion that that document or any document should be translated if the substance of it has already been given in verbal evidence by a witness. It would be cumulative evidence.

COLONEL SHIRNOV: You see, it is not here before me. Why should we receive new documents and why should we agree before having the documents here?

DR. BOEHM: He has not submitted any new document as yet. Our documents are only going to be submitted.

COLONEL SHIRNOV: In the decision of the Tribunal there is nothing that permits it, and there must be a way of presenting them.

DR. BOEHM: We might take the viewpoint that in these proceedings, which are in themselves a very new procedure, a new and different procedure would have to be adopted. We do not wish any new procedure, but we are forced into this unpleasant -- for us, unpleasant situation -- because this Commission is a procedure that was not counted on; unexpected

CAPT. TUBRIDY: I don't think, Mr. Boehm, that there is much doubt, if the Prosecution objects, that this document cannot be admitted --

DR. BOEHM: I should ask the document to be affirmed insofar as the witness makes it part of his testimony.

CAPT. TURBIDY: Now, please, Mr. Boehm, I wish you would let me finish. The witness has been here for two days and has been examined by counsel for two days, and at the end, or getting close to the end, of his testimony, you now want to submit a book. The testimony which has been admitted has been admitted on the basis of its relevance, and there is no way of knowing, unless one went through this book, to determine what parts were relevant.

DR. BOEHM: Then my request is to go through the book.

CAPT. TUBRIDY: Mr. Boehm, if you will go to the book and indicate the passages and have them translated and indicate the passages there which you believe relevant, why, we will be happy to give it consideration.

DR. BOEHM: Yes, I shall see to that, shall take care of it.

THE INTERPRETER: I am sorry, Mr. Commissioner, did you say that Counsel was to have it translated?

CAPT. TUBRIDY: It would have to be translated in order to be able to determine what parts were relevant.

THE INTERPRETER: With Counsel to take care of the translation.

CAPT. TUBRIDY: I do not believe in adopting a practice of this kind of having a witness here two days and at the end of that period producing a book and having the witness adopt it as his testimony and then having it submitted to the Court as a

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document.

DR. ASCHENAUER: There is a precedent in the Gesevius case where such procedure was adopted and admitted in the Gesavius case, because there was more in the document than was testified to.

COLONEL GRIFFITH JONES: That is not so. Quite the contrary.

DR. BOEHM: It really was so, Mr. President. It isn't an opinion. It is a fact.

COLONEL GRIFFITH JONES: I think it is perhaps outside the argument. That is not so because the witness Gesavius gave his evidence in full.

DR. BOEHM: But as to the contents , only about one-hundredth part of it.

CAPT. TUBRIDY: Well, I think we will consider the matter closed, and the Commission will rule that we cannot accept the book.

THE INTERPRETER: Would you repeat?

CAPT. TUBRIDY: I think we will have to close discussion on the matter with the ruling that the book cannot be accepted in evidence.

DR. BOEHM: We shall then take the matter up before the Tribunal.

CAPT. TUBRIDY: Very well. I think we can adjourn for lunch at this time. Do you have any more questions to ask this witness?

DR. ASCHENAUER: No further questions now.

CAPT. TUBRIDY: Well, do you have any further questions of this witness?

DR. ASCHENAUER: I would like to get the Tribunal's decision on the argument first, of the Tribunal proper.

CAPT. TUBRIDY: I assume we can start the cross-examination of this witness this afternoon. Very well. We will recess then until three o'clock.

(A recess was taken until 1500 hours).

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(The hearing reconvened at 1500 hours, 29 May 1946)

MAX JUETTNER - Resumed
DIRECT EXAMINATION - Continued

DR. GOOBER: I am Assistant Counsel to Dr. Loeffler, attorney for political organizations.

CAPTAIN TUBRIDY: What does he want, to question the witness?

INTERPRETER: Yes, he wants to ask one question.

CAPTAIN TUBRIDY: You may go ahead.

BY DR. GOOBER:

Q Do you know whether any members of the SA had been sentenced and punished by party courts for participation in the incidents of November 9th and 10th, 1938?

A Yes, I do know so. I cannot recall any specific incidents but I do know the Great Court of the Nazi Party has dealt with such cases and pronounced very heavy sentences.

Q And who was it who initiated such procedure before the Party Courts, the SA or the Supreme Command or the Political Leaders?

A That I do not know.

Q In accordance with Article 138 of the regulations covering the procedure before party courts any procedure before a party court could be initiated only with the approval of the political leaders of the parties.

A Any application for such proceedings by the SA leadership would have had no significance besides being a mere suggestion.

COMMANDER FELTON: Is this testimony or just questions?

CAPTAIN TUBRIDY: Counsel, you may ask questions, but please don't have the questions in argumentative form.

BY DR. GOOBER:

Q If it is true that the party courts covered such incidents, and if it is further true that such procedure could be initiated only with the approval of the political leaders of the party,

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what conclusion do you draw in regard to the position the political leaders took in regard to this matter? Do you, therefore, conclude, that due to the fact such procedure leaders disapproved of the incidents of November 8th and 9th?

A I had to draw the conclusion that those who initiated the proceedings and who applied for them disapproved of the misdeeds of November 8th and 9th.

COMMANDER FELTON: If the Court please, this conclusion of the witness should be stricken out. There is no testimony before this Commissioner that any of those statements are true, an the witness hasn't even testified they are true, and it seems to me it is an entirely improper procedure.

CAPTAIN TUBRIDY: Is the witness familiar with all of the facts contained in the question of defense counsel?

WITNESS: No.

CAPTAIN TUBRIDY: Then the reply of the witness is stricken from the record.

CROSS EXAMINATION

BY COLONEL GRIFFITH JONES:

Q I want to refer you to a passage in the N S D A organization book for the year 1941, which is No. PS 2354. I don' think it has any United States number. I quote:

"Service with the SA is and remains voluntary."

Was that a correct statement of the position?

A Yes sir.

Q "As in recruitment for the SA no advantages may be promised and no pressure whatsoever may be exerted. The SA man should have the opportunity to withdraw from the SA if he believe he can no longer agree with SA views."

Is that a correct statement of the position?

A The Fuehrer Leadership always remained on the positi that entering the SA should be a voluntary action. In my precedi statements I already expressed that in some instances pressure ha been exerted by organizations outside of the SA, for instance in

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case of students and in the case of financing the schools.

Q Did it always remain a fundamental principle of the SA that membership should be voluntary?

A That was always a principle adhered to by the leadership.

Q And if, as said in the organization book, a man no longer agreed with the SA views, was he expected to withdraw?

A Numerous men left the SA for a variety of reasons.

Q The number of persons upon whom pressure was brought to bear by outside parties were insignificant compared to the total membership of the SA, is that right?

A That is not too easy to answer, if, for instance, one considers the transfer of the membership of the Stahlhelm organization into the SA. Then one should keep in mind that that transfer was accomplished in accordance with an order by the SA Oberfuehrer, and the Reich Minister Leader.

Q Let me first deal with the Stahlhelm. The Stahlhelm was composed of last war soldiers, was it not?

A Yes.

Q They were what Hess and other party leaders called old fighters?

A One couldn't say so. In the ranks of the SA they were not considered old fighters.

Q It was those men who had fought in the last war that were the keenest of the Nazi supporters, was it not?

A In the very beginning, and I may say also as a former member of the Stahlhelm, the members of the Stahlhelm disliked very much to give up the independence of their organization. However, the Stahlhelm, just like the Nazi party, was of the opinion that there should be one great community of all Germans.

Q Very well. I want to cut these answers down as short as possible. Otherwise, we will never get through.

There was nothing, was there, to stop a member of the Stahlhelm withdrawing from the SA when the two organizations were combined in 1933?

A As far as I was concerned in my district no member of the Stahlhelm who didn't desire to would have been compelled to join the SA.

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Q And that goes generally for the whole of Germany, does it not?

A It is reported that there were instances in which members of the Stahlhelm agreed to the transfer only because it was ordered.

Q But there is no instance where a man was forced to join and continue his membership?

A No sir.

Q Well, now, if we exclude the Stahlhelm, apart from the Stahlhelm, was the number of persons who joined the SA because influence was brought to bear upon them insignificant?

A The term "insignificant" is difficult to define. It may have had reference to thousands of students or hundreds of civil service.

Q Even if there were thousands of students there was nothing which compelled a student to join the SA if he disapproved of what the SA stood for?

A I share that opinion.

Q And you mentioned just now that there would have been thousands of students or hundreds of civil service, was it a fact that the civil service upon whom pressure was brought to bear would not number more than a few hundred at the most?

A I mentioned before that the pressure was not exerted by the SA leadership. To what extent the students were free to act in their desires I do not know and what ones were not I do not know either.

Q I had left the students and I was asking you about civil service. It is right to say that if any civil service had any pressure brought to bear upon them, their numbers were certainly not more than a few hundred?

A. I am entirely unable to make statements about this.

Q. In actual fact, the vast majority of the members of the SA considered appointment in the SA as a great honor. Is that not so?

A. Yes, I believe it is true that a vast majority of the men were proud of the SA and proud to serve in the SA.

Q. Now, I want to turn to another matter. Can you give me the strength of the SA at the outbreak of the war in 1939?

A. Approximately one and one half million.

Q. I understood you to say yesterday that in 1934, it numbered four and one half million.

A. Yes, that's correct.

Q. How did it come to be reduced to one and one half million in 1939?

A. One reason was that the organization called Kiffhaeuser Bund was dismissed from the SA membership. Secondly, the large majority of all members of the SA had to undergo an examinzation regarding their past and their qualifications, and all those who did not pass the examination were dismissed from the ranks of the SA. Thirdly, all those who were dismissed from the SA who, for reasons of their occupation, were unable to do us a service and accordingly, those who did not cheerfully continue to serve us in the SA were dismissed.

Q. Now I will turn to another matter. Did I hear you correctly in thinking that you told us that the SA had no military character?

A. Yes.

Q. And did I also hear you correctly when I thought you said that they always preserved the non military character of its training program?

A. Yes.

Q. I want to refer you to a letter, written by Gruppenfuehrer Seidl for the Chief of Staff of the Supreme Command of the SA, dated 25 July 1933, that is document D-44, US-428. I quote:

"Further to my instruction dated 11 July 1933, I find cause to ask all SA autherities to exercise the greatest caution with regard to any publicity given to the SA service not only in the Press, but also in the information and news sheets of the individual SA units."

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Why was it so necessary to keep the details of the SA service secret?

A. That was necessary, urgently necessary, in consideration of the efforts of Roehm to create a defensive militia and there were forces inside of Germany opposed to that intention of Roehm.

Q. Do I understand you now to say that the object of the SA was to create a defensive militia?

A. The militia, the creation of which Roehm contemplated, could only have a defensive character.

Q. But are you saying that a militia, a defensive militia, has no military character?

A. We in Germany, distinguish very strictly between military organization and militia.

Q. I don't want your interpretation. Am I not right in thinking that people in Germany have just exactly the same idea of military character as people in any other country?

A. I may have chosen a wrong expression. It was the intention of Roehm to create a militia patterned after the militia established in the Western countries

Q. Very well. Then I take it that the reason you tell us that the secrecy was required was that the people were opposed to a creation of a defensive militia. Is that correct?

A. Yes.

Q. I quote the next paragraph, or the relevant part of it.

"The Reich Minister of the Interior, at the request of the Foreign Office, has given strict instructions to all Reich authorities, according to which the most severe control is to be exercised over all publications which might give other countries an opening to construe German infringements of the terms of the Versailles Treaty."

That does not give any reason for the secrecy, nor does it say anything about a defensive militia, does it?

A. May I ask from whom is that letter?

Q. This letter emanated from the Supreme Command of the SA, and it was signed by Seidl, Gruppenfuehrer and Chief of the Central Department.

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A. It was clear that the negotiation between Roehm and the Western powers, by which Roehm endeavored very strictly to obtain friendly relations, had not yet been concluded.

Q. That is not what I am asking you. What I am asking you is, is that the reason for this secrecy? Was it because people in Germany were opposed to a defensive militia? Why do you tell me that when that was not the reason at all?

A. I do not understand.

Q. Very well, we will go on. I am going to read you the last paragraph of that same letter.

"On principle, pictures of the technical, specialized units of the SA and the SS, in particular of the signal and motorized companies, and possibly also of the

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separate air wings, are forbidden such pictures enabling other countries to prevent the alleged formation of technical troop units."

Do you consider signal and motorized companies as having military character?

A The SA did not have signal companies, nor did they have motorized companies.

Q But it is issuing pictures and pamphlets to its members about it. What is the purpose of issuing the SA members literature on signal and motorized companies and running separate air wings?

A I can only repeat that it was the endeavor of the Chief of Staff Roehm to create a militia with the full knowledge and approval of the Western powers.

Q We have heard, over the last two days we have listened to you talking about Roehm's attitude about several things. I just want you to answer my question now. You tell me that the SA did not have signal or motorized companies, is that right?

A I said that the SA did not have signal companies, the SA did have signal supplies.

Q Tell me, what does this mean? "On principle, pictures of the technical specialized units of the SS and SA" What does this mean, if the SA and SS did not possess specialized units?

A These were new troops. Until the dissolution of the SA, the SA had special units, Naval units, and signal units.

Q But I do not want to spend too much time on this one document. Do you say that in view of that letter, the SA had no military character?

A The SA did not have any military character.

Q Very well. I want to refer you to another document, which is PS-2823, US-429. It is a document which you spoke about this morning in connection with the appointment of Col. Lulet as a training officer to the SA. If the SA training had no military character, why was it necessary to have a regular Army officer to advise on their training?

A I modified that already this morning, by stating that the border control question and the question of the defense of the Reich had something to do with it.

Q So that he was only here to advise on the training of the border control, is that right?

A For the training of the SA for border protective tasks.

Q Well then, was the SA, or did the SA receive military training for their border protection tasks?

A The training could be performed only in accordance with the lines prescribed by the SA athletic badge, because a means for any other training was lacking.

Q I would be grateful to you if you will answer the question put to you and not some imaginary question of your own. Did the SA undergo military training for the guarding of borders?

A The training which the SA gave to its border control troops was not of any military character, but really of an athletic nature. Anybody who has been a soldier knows the wide difference between these two methods of training.

Q Let me read to you a paragraph proposed by the Reich Minister for Defense. The Reich Minister for Defense, is, in other words, the War Office, isn't it?

A Yes.

Q Well, this is his proposal.

"Lt. Col. Aulet will take over a responsible position in the staff...". That's the staff of the SA, you understand?

A Yes.

Q " ...thereby all duties and inspections which deal with military training shall be subordinated to him."

What's the meaning of "military training" in that document?

A This reference to the training given to the schools of the Ausnildungsschulen and to this officer, Col. Aulet, was coordinated. The Reichsminister of Defense used the expression "military training" but it was no military training.

Q But why should he use the expression military training if it is not military training?

A That was a language used by military persons. We did not have any weapons for our training, and for military training you have to have weapons.

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Q Very well, we will go on.

Now I want to refer to some of the articles which appeared in the magazine, "The SA Man". That magazine was read exclusively by members of the SA., was it not?

A No. Certainly not every SA man read thenewspaper., "The SA Man". In 1935, the publication was issued in 200,000 copies, which meant that every 20th man in the SA read it.

Q "The SA Man", the periodical, was distributed to every unit, was it not?

A No, there were Sturms which did not obtain themagazine. The subscription was voluntary.

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Q May I take it that the majority of the SA units received the "SA Man"?

A No.

Q What was the purpose of having a pamphlet called "The SA Man" if it was not intended to be read by the SA.

A We did desire to have the publication "The SA Man" to be an organ dependent on the SA leadership, bu unfortunately we never succeeded in that.

Q I am going to ask you about some of the articles in it, whether they were read or not. Does the articles entitled "The Defense Platoon" and "The Company in Battle" sound military in character?

A Such articles were also published in other publications.

Q Will you answer my question?

A The article did have military character.

Q That was from the 27th of January, 1944. On 3 February, an article on the Luftwaffe; on 10th February, an article entitled "The March"; on 17 February, "Pistol Shooting"; on the 10th of March, "Orientationand Terrain" on 17 March, "First Aid". Would I be right in saying that everyone of those articles are military in character?

A Before forming an opinion it would be necessary for me to read those articles which I do not remember.

Q If we assume that they are military in character, what was the reason for publishing articles of this kind month after month in the SA magazine?

A The publication, "The SA Man," just as any other publication, bought articles from all kinds of different publications, such as historical, economic, and military articles.

Q Do you say that every publication in Germany was publishing articles on such things as these? "Chemical Warfare", "The Use of Flame Throwers at the Front", "Modern Battle Methods in theView of the SA Man", "Morse Code, Teleraph Operation ," "The Significance of Tanks in Modern War," "Exercising and Commanding", "Gas Protection Primer". Did every German paper publish "Gas Protection Pri mers" in 1934? Is that what you are telling us?

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A I would say that many of these articles only prove that other countries were in the process of rearmament, because many of those articles were taken from publications of neighboring countries.

Q Are you telling us that it is probably about the rearmament of other countries?

A I do not know because I do not have the articles here, but I was told that many of those articles were bought from foreign magazines.

Q This one doesn't sound like it, "Modern Battle Methods in View of the SA Man". Do you think that that article was bought from a foreign magazine?

A I do not know this article and I cannot express myself on it.

Q Is this one, "We go into the Terrain", relating to map reading, does that sound as if it came fr om some other source?

A I admit that that article could not have originated from a foreign country.

Q But it was an official pamphlet, wasn't it?

A The editorials of the magazine were not entirely penned by the SA leaders.

Q Yes, but the magazine was not independent as you pretended it was when you gave evidence about it yesterday, was it?

A It belonged to the publishing house Eher Uerlag, and the editorial staff was appointed by the Eher Uerlag publishing house, and the SA published in its official announcements, orders, and things of that sort.

Q And the Eher Uerlag publishing house was the official publishing house for the Party, was it not?

A Yes, but at any rate it had nothing to do with the SA.

Q It published "Mein Kampf" did it not? It published the organization book of the party, did it not? It published all official books, such as Verfuegungen, did it not?

A I do not know, but I consider it is right.

Q Are you saying now that what appeared in "The SA Man", published by that company, was not approved by the SA and the Party authorities?

A Most certainly, yes, just as in the case of any other publication. It was not approved.

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Q In fact, did the High command of the SA approve of all of these articles appearing in a magazine entitled the "SA Man"?

A In regard to those articles, we had neither an opportunity nor a possibility to express ourselves on them.

Q Are you telling us, I just want to know and then we will leave it, are you telling this Commission that the SA Command were unable and had no control over publications such as"The SA Man, published by the official Party printing press?

A The High Command of the SA in no way controlled the contents of "The SA Man". There was a special office in existence for that purpose. Anyway, the High Command of the SA did not assert such control.

Q I am just going to refer to one further article, and I am going to ask you what efforts were made by the SA Command to have that sort of thing stopped. It is an article entitles "The War of Tomorrow."

"By decree of the Fuehrer, the 18th of March 1937, the SA Sports Badge was declared as a means for the aggressive trainging of the body, for the fostering

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of amilitary spirit, for the retaining of military efficiency, and thereby, as a basis for German military power."

That appears to be the Fuehrer saying that. Why should the Fuehrer say that the SA Sports Badge was a sign of fostering the military spirit, and retaining military efficiency? Why should he have said that if the SA had nothing military about its makeup whatsoever?

A To us, the Fuehrer never said anything in regard to the military character of the SA, and I would have to see the article before I can speak on it.

MR. MASE: May I ask what is the number of the document?

COL. GRIFFITH-JONES: It is still 3050, which is USA-414. It's on page 12 of the English translation.

BY COL. GRIFFITH JONES:

Q I read on: "In the following article, an attempt is made to occupy every SA Fuehrer who does not have the opportunity to do to their proficiency or manner, cited SA services to occupy him with questions concerning military policy, to give him an overall view of different teachings, opinions and belief which today are not without decisive influence upon military policy, upon the connection of the coming war, and upon modern national defense."

Wasn't it , in fact, one of the chief aims of the SA to prepare Germany for the coming war?

A Never. Never was that the aim of the SA. It's just the opposite of that.

COL. GRIFFITH JONES: Very well.

DR. ASCHENAUER: I would like to request that the quoted articles should be submitted by the Prosecution as exhibits. I have made that request now for six times and at no time was complied with that request. I would like to see the articles in the German originals.

COL. GRIFFITH JONES: The document was put in as an exhibit before the Tribunal when the case against the SA was presented. I do not know the position about German copies when the document was put in, but if in fact there were none, then of course the Prosecution will at once see that Dr. Asbhenauer is provided with everything he wants.

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DR. ASCHENAUER: May I state in connection with that, that we complained that we received from the Prosecution an incomplete volume of documents. Repeatedly we requested to receive a complete set of documents. I personally went to the Prosecution and asked for that. The Prosecution then referred me to Commander Schrader. I then applied to the General Secretary to receive the document volume because there were certain documents missing. I did not receive it. Dr. Boehm has tried in many attempts, ten times he just told me, and many promises have been made which have not, at any time, been kept.

COL. GRIFFITH JONES: Perhaps we can stop this . . .

DR. ASCHENAUER: May I continue. Therefore, I have to ask whenever a reference is made to those documents, that they will be submitted to the defense just in the same manner as I am bound to submit to the Prosecution my documents. For that reason, I object against the documents, those documents which have been referred to, I object to the use of all documents which have not been brought to the attention of the defense.

COL. GRIFFITH JONES: The documents have been allowed by the Tribunal. I can say no more now than that I will look into the matter.

CAPTAIN TUBRIDY: Do you say that you have not had access to the documents which have been presented by the Prosecution against the SA?

DR. ASCHENAUER: Yes.

CAPTAIN TUBRIDY: Have you brought this to the attention of Col. Neave prior to this time?

DR. ASCHENAUER: Yes, in written form.

CAPTAIN TUBRIDY: Very well, let's proceed now, and we will see what can be done to rectify the matter.

DR. ASCHENAUER: I object against those questions.

BY COL. GRIFFITH JONES:

Q Let's turn to somethingelse. General Obergruppenfuehrer Lutze, he probably knew what he was talking about when he wrote about the SA.

A Yes.

Q He was Chief of Staff, was he?

A Yes.

Q In March, 1939, he wrote an article, which was published in Das

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Archiv, and it was entitled "Lutze on the Military Training of the SA." Why should he talk about military training of the SA if in fact there was none?

DR. ASCHENAUER: May I ask for the number of the document?

COL: GRIFFITH JONES: PS-3215, US 426.

DR. ASCHENAUER: I have to object against that document too because it is missing.

COL. GRIFFITH JONES: Very well, subject to the ruling of the Commissio we will go on.

CAPTAIN TUBRIDY: Yes, please proceed, Colonel.

COL. GRIFFITH JONES: In cross examination I am entitled to put new documents to the witness without showing it to the defense, so that it cannot be samd that he is unfairly prejudiced.

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MR. MASE: May I make a remark? Would it be permissable for Counsel to submit the document as a new document since I have the original here?

CAPT. TURBIDY: The point is that the documents have already been presented in Court.

DR. ASCHENAUER: I again must object because I have requested that the documents which are available should be made available to me. It is true that new documents cannot be made available to the defense, but we are not concerned with pre documents. They are old documents.

CAPT. TURBIDY: Dr. Aschenauer, will you please sit down. Your objection is understood and it is overruled.

BY COLONEL JONES:

Q. Let me go back and ask you, why should Lutze be speaking of military training of the SA when such a thing did not exist?

A. I would like to request the Prosecution to understand that the original expression was not military training, but defensive training, which means the strengthening of the spirit of defense, and which is also very different.

COL. JONES: Well, perhaps now that we have the original we can see what it says. The interpreter will tell you the title.

INTERPRETER: The title of the article is "The Defensive Training of the SA".

COL. JONES: And what is the German word for defensive?

INTERPRETER: Wehrerziehung.

BY COLONEL JONES:

Q. Then am I right in saying that the German Army was called the Reichswehr as well?

A. Until 1935.

Q. Would you say now that before 1935 the Army had no military training?

A. That comparison is entirely incorrect and out of proportion to....

Q. The Army was called Wehr, meaning defense or defensive, was it not?

A. The Army of the Reich was a defense formation which had arms. The various organizations like the Wehrmacht, the Rotkampfverbund, they all were Wehr organizations, but they did not have arms, and now suddenly you men should consider the SA as a criminal organization simply because it did perform defensive training

Q. Very well, I do not want to go on with that. If it was not military training, what kind of training was this that you called defensive training?

A. Physical strengthening, athlets and defensive athletics.

Q. Are you telling us that even your athletics bore no relation to the military nature of the country and had no military character?

A. They had just as little military character as those organizations in the United States and England, which were organized for the maintenance of peace.

Q. I just want to read you two passages about what Lutze said in the article:

Already in 1920 by the founding of the National Socialist Sport Troop (SA), the Fuehrer established the extensive mission of this SA of that time in which he declared in the protocol of its founding... "The sport troop SA shall be the bearer of the military thought of a free people". In the same sense the Fuehrer said in his book "Mein Kampf": "Give the German Nation six million perfectly trained bodies in sport, all fanatically inspired with the love for the Fatherland and trained to the highest offensive spirit and a National Socialist State will, if necessary, have created an Army out of them in less than 2 years".

I miss the next paragraph, and I read:

"However, the men never forgot the mission of the Fuehrer to require the military training of the German man and to reconstruct the military spirit in the German people".

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Having heard that from Lutze's own article, are you still saying that the SA had no military character?

A. I can only reiterate again and again that the training given by the SA had no military character.

Q. Let me go on with another short paragraph:

"In 25 schools of the troop and in 3 Reichsfuehrer schools of the SA yearly, 2,200 to 2,500 officers and non-commissioned officers were trained since 1934 in special educational courses until they possessed the education and examination certificates. In clearly outlined training directives the training goals which had to be achieved yearly were given and at the same time the yearly Reich competitive contests were established".

I understand I quoted those figures incorrectly. They should be 22,000 and 25,000.

Why was the SA producing 22,000 officers and non-commissioned officers if they had no military character?

A. The SA did not train officers and non-commissioned officers. They trained leaders and subleaders for its athletic program.

Q. If the SA did not train officers and non-commissioned officers, why should Lutze say it did?

A. Lutze did not make any claim of that kind. The words which Lutze used were "Fuehrer" and "UnterFuehrer" which means "leader" and "subleader".

CAPT. TUBRIDY: We will adjourn now.

(The Commission adjourned at 1715 hours)

The foregoing is a true and correct transcript of the testimony of MAX JUETTNER taken on 29 May 1946.

CHARLES GALLAGHER
Reporter

H. E. DARROW
Reporter

ROSE W. COOK
Reporter

PIILANI A AHUNA
Reporter

CERTIFIED TO: JOSEPH F. TUBRIDY
Commissioner.